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ABSTRACT

The Mass Media section of the proceedings of this conference of journalism historians contains the following 10 papers: "Broadcast News, Cable TV and the Telcos: A Historical Examination of the Rhetorical Forces Affecting the Electronic Distribution of Information to the American Television Public" (John E. Craft and Frances R. Matera); "WAKR Radio: A History" (David Ritchey and Thomas Miles); "The Missouri State Council of Defense: Boosting Morale and Voluntary Action during World War II" (Caryl A. Cooper); "Censoring Comics: The Implementation and Enforcement of the 1954 Comics Code" (Amy Kiste Nyberg); "The Media Pool System--A Legal and Policy History" (David B. White); "'One' Magazine: Gay America's First Journalistic Voice" (Rodger Streitmatter); "When Surveys Failed: What Can Be Learned from the 1936 'Literary Digest' and 1948 Truman versus Dewey Election Polling Fiascos" (Maury M. Breecher); "Toward a Theory of Constructivism, Based upon the Lives of Two Women Photographers" (Kathryn S. Egan); "Defining the Modern Indian: Lee Harkins and 'The American Indian'" (John M. Coward); and "Pagans or Paragons? Imagery and Ideology in the Portrayals of Native Americans in the Prestige Press" (Mary Ann Weston). (RS)

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Broadcast News, Cable TV and the Telcos: A Historical Examination of the Rhetorical Forces Affecting the Electronic Distribution of Information to the American Television Public

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Submitted to the American Journalism Historians Association
for consideration for the 1993 annual meeting in Salt Lake City, Utah
February, 1993

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Abstract

Broadcast News, Cable TV and the Telcos: A Historical Examination of the Rhetorical Forces Affecting the Electronic Distribution of Information to the American Television Public

The purpose of this paper is to trace the historic development of the cable phenomenon (Hollins, 1984) through the industry rhetoric that promised a multitude of services and "voices" in exchange for benign regulations. The paper will also examine current rhetoric of the "wired nation's" latest entrant into the broadband information delivery business -- the telcos -- in order to assess possible effects on First Amendment issues and journalistic expression.

Although the cable systems of today bear little resemblance to the CATV systems of the 1950s, they still do not offer the "wired nation" services that they promised. Currently, the telephone companies are seeking regulatory relief so that they might provide information and entertainment services that cable now offers. In the process, the telephone companies are resurrecting the "wired nation" promises.

Broadcast News, Cable TV and the Telcos: A Historical Examination of the Rhetorical Forces Affecting the Electronic Distribution of Information to the American Television Public

Television, which had been introduced to the public at the New York World's Fair in 1939 (Barnouw, 1968), had been in the developmental stages for nearly fifteen years during which time the public was regularly treated to tantalizing visions of its potential (Lichty & Topping, 1975). But the general public was not to see broadcast television on a regular basis for six years as World War II intervened. Then pent-up consumer demand, a developed industrial complex, and profits from years of network radio broadcasting combined to catapult television into the American social fabric (Sterling & Kittross, 1978). It became one of the most quickly adopted mass communication technologies in history (Rogers, 1986).

The eventual role of the new technology was two-fold -- television became a medium which could both entertain and inform. Capitalizing on the economics of mass distribution, television networks allowed programming to be broadcast simultanously by local television stations nationwide. As the television networks matured, news of national and international importance could be seen as it happened (Friendly, 1967).

The communist threat, the Cold War, Sputnik, the space race, Korea and Vietnam, as well as post-World War II prosperity and burgeoning advertising revenues fueled the emerging television network news machine. Network news became more sophisticated and with that came an increase in budgets, news staffs, foreign bureaus, correspondents, and newsgathering technologies. Network television news became the most used and most credible source of information for the American public (Dominick, 1990). But by the mid-1980s, new owners (ABC--Capital Cities; NBC--General Electric: CBS--Lawrence Tisch) had taken control of the networks and "imposed strong, bottom-line directives which led to a massive number of firings" (Small, 1991, p.106). "Those giddy days of yore when [ratings] were in the low 90 percentiles" (Small, 1991, p. 105) were gone. By Spring 1990, network evening ratings dropped to just above 50% (Small, 1990).

News departments were not immune to the budget cuts. The shrinking ad revenue has hurt news operations and "newsroom costs are being scrutinized in ways that are altering the newsgathering process" ("All the news", 1991, p. 15). These changes at the network level include a greater reliance on affiliated stations for spot news and the possibility of pooled coverage. However, among the most serious change has been either the down-sizing or elimination of several domestic and foreign news bureaus. "In some cases, that has translated into a lone correspondent and/or producer in a city that once housed a full bureau. Technicians.

. . are being switched from full time to freelance or are being replaced by freelancers" ("All the news," 1991, p. 15).

In mid 1991, the Federal Communication Commission's Office of Plans and Policy issued a paper predicting a gloomy future for broadcast TV. "The broadcast industry has suffered an irreversible long-term decline in audience and revenue shares which will continue through the current decade" ("FCC Report concedes," 1991, p. 20). The reason? According to the report, it's cable television. The medium now serves 61.4% of U.S. homes and continues to attract viewers and advertising dollars. "The change in fortunes of broadcasting and cable will likely force massive cost cutting by networks, affiliates and independents" ("FCC Report concedes. . . ", 1991, p. 20).

If things are going bust in network TV, cable is booming, especially when one considers the acceptance of CNN, "one of the great success stories in American journalism" (Small, 1991, p. 105). In ten years, "CNN has won the respect of its competitors, elevated our expectations of TV news, and raised the ante of the game" (Laurence, 1991, p.16). CNN's workforce "soared from its original 225 to more than 1,700" (Laurence, 1991, p.17) and while the networks are consolidating or closing bureaus, CNN spent $2 million in 1991 to open three new offices. The additions bring CNN's bureau count to 27, both domestic and worldwide ("Networks have," 1991).

While the American public may not have very much knowledge or interest in the process or medium through which the news is distributed, the emergence of new distribution technologies is of great public policy interest. Cable television interests fought long and hard for the right to compete with established broadcast interests. Now the cable industry faces new challenges from both impending legislation and new technology and services proposed by the telephone companies.

The purpose of this essay is to trace the historic development of the cable phenomenon (Hollins, 1984) through the industry rhetoric that promised a multitude of services and "voices" in exchange for benign regulations. The paper will also examine current rhetoric of the "wired nation's" latest entrant into the broadband information delivery business -- the telcos -- in order to assess possible effects on First Amendment issues. While not intended to be an exhaustive history, the journalist can compare the rhetoric preceding the development of cable television as a medium of journalistic expression to that of the telcos as they jockey for favored position as future information providers as well as information purveyors.

Diffusion of Communication Technologies

The pattern of futuristic promises for broadcast television, followed by a lag in diffusion, and then subsequent rapid adoption by the public, is not unique. A variation of the pattern has been repeated in three of the four developmental phases of the history of cable television,

although the diffusion process has not been as spectacular as it was in broadcast television.

A review of the literature of both diffusion of innovations and of cable television reveals that, while a significant amount of information has been generated, little study has been undertaken in the area of diffusion and actual adoption of the new services that cable has promised.

One study conducted by Brown, Malecki, Gross, Shrestha and Semple in 1974 (cited in Brown, 1981) examined the establishment of cable television systems in Ohio. The study indicated that diffusion of cable systems throughout Ohio was related to market potential of the area and to the year that the system was established. Another study "found that subscribers are deciding that their experience with cable television does not live up to initial expectations" (Sparkes, 1983).

In 1986, researchers suggested a three-phase diffusion process in the adoption of cable television. In the initial phase, cable television simply provided more of the same broadcast television as existed without cable. The second phase corresponded with the use of cable's more specialized channels; however, these channels were closely related in content to the broadcast channels. The third phase included the more exotic services that broadband cable has promised. But at the time of the study, those new services were not widely available in the market area examined (Sparkes & Kang, 1986).

In a 1987 article entitled "The Cable Fable Revisited: Discourse, Policy, and the Making of Cable Television," Thomas Streeter described a Carnegie Commission report on cable television, as well as a proposal by Harold Bennett, one of its authors, for cable television to serve as an alternative to the broadcast television station. But the "wired city" and "wired nation" did not materialize in the form envisioned by its proponents. Streeter states: ". . . the cable fable is a story of repeated utopian high hopes followed by repeated disappointments" (Streeter, 1987).

Anne Branscomb (1975) suggests that unfilled public service promises are not unique to the cable television industry. She states: "The early legislative debates on the Radio Act of 1927 and the Communication Act of 1934 are replete with promises of great public service responsibility . . . each successive technology has been the repository of these hopes, and has failed them" (Branscomb, 1975, p.51).

When examining discourse on the public policy implications of cable television, Patrick Parsons (1989) suggests that the definition of new communication technologies is evolutionary and not revolutionary. Technologies are constantly being reinvented through social interaction. He continues: "The debate on how other emerging communication technologies will be defined, and thereby controlled, has barely begun" (Parsons, 1989, p. 24).

The futuristic promises of cable television including interactive, non-television, new communication services, such as videotext, alarm systems, banking at home, shopping at home,

or video on demand, have not materialized in a commercially viable form. The unfulfilled promises and wild predictions of these new communication services have been labeled "the cable fable" (Laudon, 1987, P. 28).

These studies indicate that cable television, while successful in providing entertainment programming in the form of network and local television fare, satellite-delivered programs, and premium services, has not delivered on the promise of providing a superhighway of new communication services.

The "s" adoption curve, sometimes used to describe the diffusion process graphically, depicts the percentage of adoption of an innovation over time (Rogers & Shoemaker, 1971). In the early years of an innovation, the graph often shows a flat or slow rate of adoption as communication about the innovation is disseminated, but the rate climbs steeply as the invention, device or concept is accepted by the public, and it then levels as demand for the product or service is satiated (Rogers & Shoemaker, 1971). While the adoption curve for many innovations such as the telephone or the steam engine extended over decades, television made significant gains within two years with the number of homes with television receivers growing from 6,000 in 1946 to 975,000 in 1948 (*Television Factbook: Services Volume*, 1968).

Prior to an innovation reaching general diffusion throughout a mass public, there is a time interval between the invention of the idea, concept, or device and its economic marketability. John Enos in 1962 (cited in Rosenberg, 1976), in a study of the time interval between invention and innovation, identified intervals of major products or devices. He found a time interval of seventy-nine years between the invention of the fluorescent lamp and its marketability. The long-playing record took only three years, wireless telegraphy eight years, and television twenty-two years. Many different factors can be responsible for the lag. These might include the technical inability to mass produce a device that can be created in a laboratory environment, the economic ramifications of the development of the concept, or regulatory constraints that exist at the time of the invention. These external factors can substantially increase the complexity of the diffusion process (Rosenberg, 1976).

Cable television has been diffused throughout the population at a rather slow rate when compared with broadcast television with only a 52.8% adoption rate since its invention forty years ago (*Broadcasting/Cablecasting Yearbook*, 1989). In addition, cable has changed considerably during the past four decades. It has been "reinvented" (Rogers, 1986) several times during that period to reflect the changing communication environment. But even with subsequent reinventions, cable television does not yet resemble the broadband communication highway that was promised by the cable operators in the past and is being resurrected in the rhetoric of the telcos as they position for entry into the information services business. Today's cable television systems bear little technological or functional resemblance to their

predecessors, but they do not constitute the long-predicted wired nation. "Cable television, like many new technologies, has suffered from a Doppler effect of history. Societal and economic benefits are expected long before they are possible. The technology rushes toward us much slower than we want. It's only in retrospect that we notice the speed of the advancements that we have made" (Craft, 1984, p. 95).

Timothy Hollins (1984) has suggested that cable television has developed in four phases, each of which is based upon a new use or function of the medium. In the first phase, cable television served as a community antenna system that allowed broadcast television signals to be extended into valleys or shadow areas of the station's coverage pattern, thus improving reception of an existing station in a geographic area. In the second phase, cable systems imported television signals from distant markets allowing the subscriber to view more signals than would normally be available in his or her geographic region. Cable's third phase of growth came with the addition of non-broadcast signals to the system. During this phase subscribers were provided community channels, cable networks, and pay services. The fourth phase of the development is in its infancy with mainly the promise of the aforementioned non-television services such as home security, home banking, data transfer, electronic mail, and videophone.

These four phases, or "reinventions" of cable television, have been driven both by economic forces and by regulation. An examination of the history of the development of each phase indicates that many studies, publications, and rhetoric preceded the enactment of regulation. The regulation subsequently affected the economic viability of cable television and determined the direction of its growth.

The authors suggest the following stages of cable development which combine the historical, economic, and regulatory influences prepotent in the diffusion process and roughly parallel Hollins' four phases of development. It is additionally suggested that the intent of the rhetoric which preceded each stage was part of a hidden agenda of the cable industry to influence regulation. An agenda adopted by the industry to influence the regulatory environment would not be unusual. All organizations, in defining their objectives and goals, must control and coordinate the resources inherent within their environments (Scott, 1981). These goals and activities may be covert, or occurring under the surface, or they may be overt, or that which can be observed (Perrow, 1961). Davis (1949) observed that "always in human society there is what may be called a double reality--on the one hand a normative system embodying what ought to be, and on the other a factual order embodying what is." Scott (1981) agreed with Davis when he said theorists "Observe a disparity in organizations between the stated and the 'real' goals of action, between the professed or official goals that are announced and the actual or operative goals governing the activities of participants." The latent reality of the cable industry was to influence the regulatory process to its advantage through promises of a communication highway of the future, while the direction that the cable industry actually took once free of

regulatory restraint was based on contemporary market forces and the economics of offering the innovative communication services.

Stage I, Community Antenna Services (1948-1965)

The first cable systems in the United States were established about forty years ago, shortly after the commercial introduction of broadcast television. "In communities that were too distant from broadcasting stations or that were situated in rugged terrain, a master antenna was placed at some advantageous elevation and cables were laid to subscribers' houses, bringing them amplified signals that produced strong, clear pictures" ("A Guide," 1973, p. 34). These systems were necessary because, while the Federal Communications Commission (FCC) considered frequency allocation for the broadcast television service, licensing of stations was suspended; thus, the availability of television lagged behind the demand, and significant portions of the public lived beyond the range of any broadcast television station. By 1952, when the "Sixth Report and Order" lifted the "freeze" on the growth of television, there were only 108 television stations serving the fifteen million television homes in the nation (LeDuc, 1973).

In order to satisfy public demand for television during the "freeze" and the years immediately following, community antenna television systems were established to capture the elusive broadcast signal at the fringe areas of the station's coverage area. Appliance and radio dealers looking for ways to increase sales of television receivers placed antennas at high points near towns and brought the signal by wire and eventually coaxial cable to the homes of those near the appliance stores. Robert Tarlton of Lansford, Pennsylvania and Ed Parsons of Astoria, Oregon are given credit for providing the first community antenna television services to their respective communities in 1949 (Phillips, 1972). Business was brisk and the future of television and the CATV phenomenon was assured as long as the FCC and the natural parameters of the electromagnetic spectrum limited the number of television stations that could serve the public.

Stage II: Signal Importation and the Cable Freeze (1965--1972)

Generally, broadcasters were happy to have their signals extended by the fledgling CATV systems until microwave importation of those signals from one market to another induced increased competition for audiences. At that point, the television stations demanded relief from the FCC in the form of regulation of cable television. The FCC, concerned about the economic health of television stations in the newly-allocated Ultra High Frequency band, moved to protect the broadcaster.

Regulation came swiftly after the Supreme Court consideration of the *Carter Mountain Transmission Corp. v. FCC* (1963) indicated that "the expansion of cable television service would cause economic injury to competing television stations" (LeDuc, 1973, p. 137). In

1965, the FCC "First Report and Order on Cable Television" codified FCC control over microwave-served cable television systems that imported distant television stations into a market served by a local station.

Additional regulation came in 1966 when the FCC assumed control over all cable television systems with the "Second Report and Order on Cable Television." Under this regulation, the cable industry was effectively barred from serving the larger cities unless permission from the local broadcasters was obtained. In the unlikely event that the broadcaster wanted to encourage increased competition from cable-imported television stations, copyright issues provided an additional stumbling block which was removed only after two additional Supreme Court Cases -- *Fortnightly v. United Artists*, (1968), and *CBS v. TelePrompter*, (1974).

The "Second Report and Order on Cable Television" (1966) effectively placed a freeze on the growth of the cable industry between 1966 and 1972. The National Cable Television Association (NCTA), founded as National Community Television Council in 1952 (Phillips, 1972), was active during this period, but in 1968, the Supreme Court decision in *United States v. Southwestern Cable*, affirmed the FCC's right to regulate the cable television industry. As the NCTA and cable industry fought regulatory restraint, copyright questions, distance signal importation limitations, mandatory local origination, and cross ownership limitations, new visions were being developed that would thrust cable into the consciousness of the American public.

Community antenna television was to metamorphose into cable TV. As with the promise of broadcast television thirty years earlier, the wonders of the new communication highway were being sold to the public. One of the first articles expounding on the virtues of broadband cable television appeared in a special issue of *The Nation* in 1970. The article by Ralph Lee Smith, entitled "The Wired Nation," was later expanded into a book of the same title that would have significant impact on the rhetoric driving cable toward its third phase. This work expanded on a concept envisioned by Brenda Maddox in *Communications: The Next Revolution* which predicted a future where "information theory will have been brought to its logical conclusion in public communications; there will be a single unified network for all kinds of messages . . . separate systems for telephones, telegraph, television and data transmission will disappear. Information will flow through the network as on-off digital signals and appear as pictures, sound or print, according to the choice of those sending and receiving it" (cited in Smith, 1972, p. 9).

From this description, it is not difficult to understand the potential markets and money to be made by the range of choices that, in theory, cable could provide to subscribers. Such was the anticipation of cable operators in the early 1970s who stirred with ideas of what they would be able to provide when the matured systems were serving thousands of subscribers. "Economists predict the day when 40 to . . . 80 percent . . . of all homes in the United States will

be 'on the cable" (Sloan Commission on Cable Communications, 1971, p. 2) thus providing an economic base upon which to build a new communication highway.

Other predictions followed quickly as the volume of pro cable rhetoric swelled. The Sloan Commission publication, *On the Cable: The Television of Abundance*, detailed the new communication possibilities ranging from programming for minorities to medical instruction. In addition, it examined regulatory structures and forecasted economic trends (1971). "As an industry, cable was expected to generate $4.4 billion in income by 1980 and would create over a million new jobs" (Tate, 1971, p.13). It would supply more information and diverse programming than broadcast television and, therefore, would better meet the entertainment and information needs of all people. Since more people would stay home to interact with their TV sets, they would "be less likely to attend movies, live performing arts productions, sports attractions, political rallies, educational classes, business seminars and even church. Proposed two-way communication systems [would] reduce the need to leave home for shopping trips, minor medical attention, or repair services" (Tate, 1971, p. 13).

In 1972, the creation of a "national information utility" was proposed that would use cable communications' potential to the fullest. "The social goal of such an information utility could be to provide all persons with equal opportunity of access to all available public information. . . . [it] would look like a combination of a television set, telephone, and typewriter. It would function as a combined library, newspaper, mail order catalog, post office, classroom, and theater" (Parker & Dunn, 1972, p. 1395). These services were believed to be feasible for delivery to most U.S. homes by 1985. In essence, cable television would be the urban superhighway of the information age.

As the FCC began to reconsider its stance toward the cable industry, it did so in an atmosphere of rhetoric and promise of what later came to be known as "blue sky" technologies and services. These were the very services that were to make cable television different from the older CATV systems. They were the services that would take advantage of the multi-channel broadband capabilities of the coaxial cable system. The Electronics Industries Association, in a position paper addressed to the FCC, stated: "We look upon such systems [broadband cable television] as being of 'national resource' dimensions and the development of these resources as a national goal. . . The mushrooming growth in available information and the demand for access to this information is bringing about a revolution in communications which will produce a profound change in the way society is structured and in the way we live" (cited in Smith, 1972, p. 84).

The Sloan Commission on Cable Communications stated: "Cable television will expand mainly because it is capable of providing more of the same type of programs now provided by conventional television and of providing better reception in some areas. . .The expansion of cable communications can mean much more to the American people than better reception and more

conventional programming. This new and immensely powerful technology can also be put to use to serve the public interest in a great variety of ways" (Sloan Commission, 1971, p. ix).

Smith (1972) listed some of those uses such as home library retrieval, facsimile, delivery of mail, crime detection and prevention, and the reduced need for travel as future benefits of cable. He also indicated that local origination on cable could provide local television newscasts in small towns, as well as "religious programs, school activities, county fairs, fund-raising drives, sports, cultural events, political debates, public hearings, school board meetings, children's programs, and daily variety shows featuring local persons and events" (Smith, 1972, p. 10). The concept of local origination and access channels along with exotic communications services was born. This was incorporated into the FCC's third "Cable Television Report and Order" in 1972. The promise of the communication highways of the future had fired the imagination of the regulators as well as the public. The third "Cable Television Report and Order" lifted the freeze on the growth of cable television in the large cities, thus allowing the cable industry to expand into those lucrative markets, but the new FCC rulings also came with a price. The FCC, in effect, demanded that the cable operator provide some of the futuristic services that were promised. The rules required free access channels for the public, the local government, and the local school districts, as well as local origination. In addition, the new cable systems were required to offer a minimum of twenty channels and the capability of two-way transmission. Regulation was designed to force the new broadband communication highways into existence, at least in new systems to be built in major television markets.

Stage III: Non-Broadcast Programming Services (1973--present)

Within months of the promulgation of the new rules, a series of studies conducted by the Rand Corporation and funded by the National Science Foundation described for city governments and for educators how they might take advantage of the new technology, and a report funded by the Aspen Institute, entitled *The Electronic Box Office*, promised that the arts and humanities would prosper on cable television (Adler & Baer, 1974). Other reports from the Sloan Commission on Cable Communications, the Ford Foundation, and The Carnegie Foundation further encouraged the nation to embrace the new highways of communication (Newman, 1971). Thus, while the publicity generated by the various studies on cable television was useful to the industry in bringing pressure to change regulatory patterns, the industry itself was under pressure from the same rhetoric to change the very nature of its business, and change is difficult. The cable industry, however, cried "blue sky" when asked to provide the services that the studies and reports had described, and once again, the public had been promised a communications technology that did not yet exist in an economically viable form.

Operating mainly as an antenna service to provide more television channels and clearer

pictures, cable grew from six million subscribers to twenty-one million subscribers in the ten years between the issuance of the third "Cable Television Report and Order" in 1972 and what became known as the "franchising wars" of the early 1980s (*Television & Cable Factbook: Cable & Services Volume*, 1986). During that interim period, most cable systems continued to provide only over-the-air broadcast signals and a few imported signals and, in general, to operate much like their pre-freeze predecessors, but some attempts at providing the new non-television services were undertaken. The most publicized of these experiments was Warner-Amex's Qube system started in 1977 in Columbus, Ohio. The Qube system enabled the subscriber, using a response box attached to the cable converter, to interact through the cable system with a central computer at the head-end. That interaction would allow the viewer to "vote" on issues presented over a cable channel or to select a movie for viewing in the home on a pay-per-view basis (Davidge, 1986). Another pioneering high technological system was constructed at Leisure World in Mesa, Arizona, in 1973. The Monitor 6 System used a channel on a two-way cable television plant to query every home in the closed retirement community for health, fire and burglary alarm data every six seconds (Wigand & Craft, 1980).

Both of these systems have since discontinued their original interactive services, but a third innovation to be established during this period is now the basis of modern cable television programming abundance. That technology is satellite distribution of programming services. The use of satellite technology by Home Box Office in 1975 to distribute first-run movies to cable systems as a pay service and by an Atlanta independent UHF broadcast station in 1976 ("Milestones," 1988) to reach nationwide cable audiences formed the base from which have sprung more than sixty specialized satellite-distributed cable networks and superstations ("Subscriber," 1989).

With a source of inexpensive satellite-delivered signals, relaxation of the pay cable rules following *Home Box Office v. FCC* (1977), and the promise of new broadband services developed in experiments such as Qube, the cable industry was positioned to move into the broadcast television-rich urban areas. As the large cable multiple system owners (MSO) investigated the urban and suburban markets, local government officials began to eye the cable industry with interest. One provision of the third "Cable Television Report and Order" (1972) provided for the collection of a franchise fee of between three and five percent of the gross revenues of the cable television system. The possibility of a new revenue stream for the city was not lost on local governments. In addition, many studies and publications were directed toward educating city governments on the potential of cable television. The Rand Corporation, with funding from the National Science Foundation, published a series of reports on cable television with some titles directed toward city governments including *A Handbook for Decisionmaking* (Baer, 1973), *The Process of Franchising* (Johnson & Botein, 1973), *Citizen Participation in Planning* (Yin, 1973), *Applications for Municipal Services* (Yin, 1973), *A Guide to Technology*

(Pilnick & Baer, 1973), *Making Public Access Effective* (Kletter, 1973), *and A Guide to Federal Regulations* (Rivkin, 1973). Other reports were published by the Urban Institute (Tate, 1971), community organizations (The Media Project, 1974), university research organizations (Scott, 1976), the American Civil Liberties Union (Powledge, 1972), and citizens advisory committees (Fairbanks, 1974). In an effort to ensure that all local governments were aware of the impact that cable might have on their local community, the Cable Television Information Center was developed with grants from the Ford and Markle Foundations. The center, established as part of the Urban Institute, was to serve as an information clearinghouse and consulting service for city governments wishing to franchise new cable systems to serve the urban areas (Head, 1973).

Based in part on the promises of the multitude of studies that gushed from the presses following the 1972 rules, cities began to expect "state-of-the-art" cable systems to be built in their communities. Large media conglomerates, operating as multiple system owners and anxious to break into the large cities, were encouraged to bid for the franchises or for the exclusive right [prior to *Community Communications Co. v. City of Boulder* (1981), and *Preferred Communications, Inc. v. City of Los Angeles* (1986) litigation] to wire a geographic area. The frenzy on the part of the cable operators to win entree into the large cities was fueled by the FCC decision to deregulate cable television following the release of its study of the economic and competitive costs of its rules on distant signal importation and syndicated exclusivity (Diamond, Sandler & Mueller, 1983).

Mark Fowler, chairman of the FCC, told cable television executives in his first major speech, that: "Technological developments are proceeding at such a rapid pace that many definitions of telecommunications are becoming blurred. Unless the commission remains sensitive to these constant changes and their implications, there is a danger that rules perhaps validly applied to one service may be inappropriately applied to another very different service" ("Fowler," 1981, p. 75). Under Fowler's leadership, deregulation became the order of the day at the FCC. With little federal regulation and copyright questions codified under the Copyright Act of 1976, cable television was free to offer appealing programming packages needed to attract subscribers in the media-rich large cities. To win the city franchise was to have the opportuntiy to partake in untold millions of potential subscriber fees; to lose was to forever be frozen out of operating in that market. The cable operators were willing to play a high-stakes game for the chance to win the prize. For example, in 1980 Teleprompter Corporation budgeted $7 to $10 per household in the franchise area just for preparation of proposal books, executive summaries, and community presentations (M. Manning, personal communication, December 12, 1989), and Times-Mirror spent $50,000 to produce a fifteen-minute videotape for presentation to a city council (I. Johnson, personal communication, December 12, 1989). With up to a dozen large cable operators bidding for the urban franchises, millions of dollars

were spent as the MSOs moved from city to city responding to requests for proposals (RFP) with each cable operator attempting to outbid the others with promises of "total communications networks,. . . a kaleidoscope of programming services,. . . an abundance of optional and premium services, . . .and special benefits for the city and its public institutions" (Times Mirror Cable Television, Scottsdale, 1981). This period, known as the "franchising wars," was fraught with political corruption as unscrupulous individuals sought to share in the millions of dollars being so recklessly lavished in the cities. One scheme, known as the rent-a-citizen plan, allowed the local individual with political influence to buy into the local cable company for only a few dollars; if the franchise was then won, presumably with local political help, the stock held by the individual would be worth millions (Perkins, 1981). After the rent-a-citizen scheme was made public to the embarrassment of some of the large MSOs, the companies turned to "give-away packages" in an attempt to buy influence from local institutions such as school districts, arts groups, and community organizations. To these groups went promises of dedicated cable channels, television studio equipment, and television production personnel (Times Mirror Cable Television, Scottsdale, 1981). "Cable TV companies have been paying princely tribute for the privilege of spinning their wires around the nation's cities. Besides forking over 5% of their gross revenues to city governments, they commonly promised to build fancy TV studios for free public use, to provide 100 or more channels to every customer, and in one case even to plant 20,000 trees on public property" (Cooney, 1983, p. 82). These packages, worth millions (Cross Country Cable, 1981; Times Mirror Cable Television, Scottsdale, 1981), were designed to turn the political heads of the community organizations while appearing to be a donation to public service. Other promises made to the cities in return for the rights to wire the area included the newest high technology services in addition to nearly one hundred channels of programming services. Specialized local channels for the hearing impaired, public school access, library access, the performing arts, local sports, vintage movies, business training, tourism and convention information, shoppers' guide, geriatric programming, health information, community bulletin board, university access, and alpha-graphic services were promised as well as the satellite-delivered cable networks, the premium channels and the local television stations (Times Mirror Cable Television, Scottsdale, 1981). In addition, new interactive communication services including video teleconferencing for businesses, data transmission for telecomputing, fire and health alarm services, surveillance services, two-way audio-video channels on a separate institutional network for lease to business for private communication services, and full videotext services were promised (Times Mirror Cable Television, Glendale, 1981). All of these communication advantages would belong to the city that granted the franchise to the proper applicant. The communication superhighway was only a signature away in many cities as the cable franchising juggernaut rolled across the country. The cities, exposed to the seemingly unlimited funds of the cable

operators and their slick, four-color executive summaries detailing the communications landscape, began to demand that the communication highways of the future be built as a condition of granting the franchise.

As franchising slowed and construction began, the cable operators discovered the extent of their promises. Before the middle of the 1980s, the cable industry was in financial trouble. "MSOs drowned in red ink as they tried to live up to the promises they had made in regard to wiring the cities" (Gross, 1990, p. 79). Franchising promises were broken as the MSOs folded or retrenched. Warner-Amex (developer of the Qube system) sold several of its cable systems, Group W went out of the cable business, and Storer and Times-Mirror traded systems so that they could run more efficiently due to geographic proximity ("Storer-Times," 1984, p. 37).

The first services to drown in a flood of red ink were the specialized channels and the new high technology services. Data transmission, alarm services, and videotext are no more in the land of cable. Interactivity or two-way communication, although flirted with by major communication conglomerates, such as Knight-Ridder's Viewtron, Times-Mirror's Gateway, and Warner-Amex's Qube, failed due to high costs and limited services (Gross, 1990). As services failed and systems looked for ways to survive economically, the cable industry turned to Congress for relief. Through lobbying efforts by the National Cable Television Association and authorship of a bill by Arizona Senator Barry Goldwater, the Cable Communication Policy Act of 1984 became law ("Happy talk," 1984, p. 50). The act, which is a set of amendments to the Communication Act of 1934, clarified the relationship between the local and federal agencies in cable regulation. The act, in effect, further deregulated cable television and freed cable from rate regulation and programming controls imposed by local franchises. The period of red ink was over, and the industry was ready to fulfill the economic promises to its stock-holders through marketing more channels of the traditional television fare, if not the new communication services.

Many consumers succumbed to the promise of the video feast. By 1984, about 40% of the American homes were cable subscribers, with 44% of those subscribers paying an additional fee to receive premium channels such as Home Box Office, Showtime, Playboy, or Disney *(Broadcasting/Cablecasting Yearbook*, 1984).

Between 1984 and 1990, an A.D. Little study, commissioned by the National Cable Television Association, reported industry revenue would double, from $8.4 billion to $16.5 billion, and after-tax net income would almost triple from $600 million to $1.7 billion ("Cable '85," 1985, p. 39). Just a whisper on Wall Street in the early 1970s, cable is a current favorite on the Big Board and an attractive investment.

But the predictions of diversified information services, in reality, have become a proliferation of existing broadcast television programming such as vintage re-runs, old movies and game shows with a smattering of original fare. The new programming concepts, such as

rock music videos, and video home shopping found on the specialized cable networks, are designed more for entertainment value than information. Interactive communication services have not been successful on cable television systems. The "national utility" was achieved to some extent, but not as fashioned by the cable futurists. The interactivity promised in the cable revolution is most visible in the guise of personal computers, telephones and FAX machines; the multi-purpose use of cable has given way to a multiple machine use. "It will be tragic indeed if the only cargoes that move on these [electronic] rails are thousands of reels of old film, thousands of tapes of game shows and situation comedies, thousands of exhortations to buy thousands of products, and thousands of hours of useless information" (Head, 1973, p. 28).

Stage IV: Interactive Information Services (The Future and the Reality)

The fourth stage in the development of cable television might more aptly be called the "phantom phase." In spite of reams of reports generated to describe the electronic communication marvels possible through the two-way broadband cable television systems, services such as banking at home, videotext, and home security systems have not found a niche in the marketing plans of the MSOs. The oft-touted non-television services have never materialized in a commercially feasible form. The much publicized two-way interactive services such as Qube, which were the cable communication laboratories of the 1970s, have all but disappeared. The technological terms for the non-television interactive services promised during the freeze on the late 1960s and again during the franchising wars of the late 1970s are no longer part of the lexicon of the cable television industry.

Cable television was reinvented once again when satellite technology became available. As early as 1945, Arthur C. Clarke perdicted that three manmade satellites positioned over the equator in a geosynchronous orbit of about 22,300 miles above the earth would enable radio transmissions to be relayed instantaneously to any part of the world (Clarke, 1945). That prophesy was fulfilled as satellite communication became a reality in the early 1960s. The first geosynchronous communication relay satellite--Early Bird--was launched in 1965. The communication link was used by network television to provide "worldwide television news coverage on a virtually 'instant' basis" ("The new age," 1965, p. 23). Cable utilization of the new cost effective television relay technology had to wait until 1974 when the fledging pay movie service Home Box Office obtained permission to transmit programming to cable television systems nationwide by satellite (Mair, 1988). That event, coupled with the first programming transmitted on a regular basis by 1975, was to change forever the definition of cable television (Mair, 1988). By 1976, Ted Turner, an Atlanta television station owner, had turned his local UHF television station into a "superstation" by distributing its signal to cable television stations across the nation (Whittemore, 1990). By 1980, Turner had developed and launched Cable News Network which provided a 24-hour continous news service to the American public via

satellite and cable television (Whittemore, 1990). Others followed quickly to the cost efficiencies of satellite distribution. By 1990, over 60 specialized cable networks (Broadcasting Yearbook, 1991) were being delivered by satellite and cable television had become defined by in the eyes of the consumer as MTV, ESPN, C-SPAN, WTBS, HBO, and CNN.

The "blue sky" predictions of the interactive information utility that was to form the backbone of the wired nation had been redefined. Cable television had become enamored with the "black sky" of space communication and the black ledgers that the multiplicity of national specialized cable/satellite networks produced.

The Telcos: The Return of the Rhetoric

The "blue sky" rhetoric present at virtually every phase of cable's development has now reared its head again in the form of promises offered by the telephone-operating companies as they lobby for relief from current regulation which has kept them out of the cable television business. In 1982, U.S. District Judge Harold Greene issued what came to be known as the Modified Final Judgment (MFJ) which required that A.T.&T. divest itself of the regional telephone operating companies (Shooshan, 1984). Under the MFJ, the Bell Regional Operating Companies were forbidden from offering enhanced information services (Crandall & Owen, 1984) and were further forbidden from operating a cable television system in their service area by the Cable Communication Act of 1984. However, with the advent of fiber optic technology, and the wiring of Cerritos, California by GTE (Katz, 1989) for experimentation in delivery of telephone, data and entertainment programs to the home through a single "fiber wire," the telephone companies sought regulatory freedom (Markoff, 1989).

In July 1991, the seven regional Bell operating companies (RBOCs) got their wish. Judge Greene lifted the restriction on the RBOC's entry into "information services" ("A foot in the door," 1991). This action put the telephone companies into direct competition with cable and broadcast television outside their service areas. "July 25 may go down as a very monumental day in the history of the ever-changing world of telecommunications," said Sen. Conrad Burns, the Republican from Montana ("A foot in the door," 1991, p. 23). The decision may open the door to a "wired nation," or it might be more of the same old rhetoric.

An National Association of Broadcasters statement in response to the decision said that "it will clearly have broad legal, regulatory, legislative and business implications" ("A foot in the door," 1991, p. 23). Robert Pepper, chief of the FCC Office of Plans and Policy, summed up the situation with "we will see for a very long time to come, facilities competition between cable operators and telephone companies. . ." (Video dial tone," 1991, p. 26).

The ball is now in Congress's court where bills affecting MFJ restrictions on the RBOCs are being considered. For example, the cable industry was dealt a blow with the U.S. Senate passage of S. 12, the Cable Television Consumer Protection Act, in early 1992. This bill would

allow RBOCs "...access to [cable network] programming, which would give cable competitors a crack at its [cable industry] most popular programming" ("Senate lowers the boom," 1992, p. 4). In the near future, the American public may receive their news from CNN over the telephone "wire" as the most notable competitors on the horizon are the RBOCs, and now with the legislative go-ahead are poised to strike.

As the phone companies gear up battle plans for the right to enter the cable television and information business on a large scale, the futuristic rhetoric returns ("Cable, telcos," 1989). The telephone companies, with their Integrated Services Digital Network (ISDN) can deliver voice, data and video signals simultaneously over the same fiber optic cable, thus enabling a multitude of services to be sent and received from the home over a single broadband fiber cable (Elias, 1989). "Visionaries foresee such things as home banking, electronic mail, picture telephones and customized television feeds becoming standard home fare" (Markoff, 1989, section 3, p.1). John Burgess, in an article in the *Washington Post* suggests that the fiber optic lines will become "a network of 'information highways' criss-crossing the country, conveying commercial and private data galore in the same way that asphalt arteries convey goods and services" (Burgess, 1989, p. C3). Others predict colleges without walls ("Maine launches," 1989) and telemedicine ("Telemedicine takes," 1989). The rhetoric sounds very familiar, but the players have changed. The "wired nation" of the 1990s is promised by the telephone companies if only changes in regulation are enacted which will permit them to enter the information ownership businesses. The cable television industry, that promised but did not deliver the "wired nation" of the 1970s and again of the 1980s, is fighting to keep the telephone companies from providing the second entertainment and information wire to the home ("USTA," 1989).

As the cable television industry faces re-regulation ("Voices," 1989), U.S. Rep. Edward J. Markey, chair of the House Subcommittee on Telecommunications and Finance, states: "As we begin a new era in the Information Age, there is an increased awareness that the essential fuels of this new age are no longer manpower and natural resources, but rather knowledge and ideas" (Markey, 1989, p. 71). The futuristic rhetoric is having an effect, but it is no longer the rhetoric of the cable television industry. The cable industry is "where broadcasters were 25 years ago, first place and center stage, an easy target. The challenge to cable is to regain political and customer esteem" (Hartson, 1989, p. 71).

The cable television industry is not alone in its battle with the RBOCs, the American Newspaper Publishers Association is also devoting resources to lobby efforts and public information campaigns ("Newspaper/RBOC", 1991, p. 8). ANPA president Cathleen Black stated: "We believe that a prohibition on RBOC's entry into electronic publishing over their own lines is good public policy." "Absent that bar, these multibillion-dollar corporations will be free to use profits from their local telephone monopolies to bankroll their entry into the

information services market, and to drive competitors off the road" ("A foot in the door," 1991, p. 24).

James Mooney, president of the National Cable Television Association has said that the first effects of the RBOCs entry into the information services business will be felt by the newspaper publishers "who will have many of their services duplicated by RBOC data transmission services." "We are obviously concerned that this . . . may lead to new anticompetitive abuses by the telephone companies, as they attempt to edge out independent providers of independent services" ("A foot in the door," 1991, p. 23).

Although the "information services" technology exists, there is a question of whether Stage IV of the development of the "wired nation" will ever reach fruition, either through cable or through the telephone companies. The rhetoric to shape public policy has become intense, but the real question is that of the First Amendment ramifications of either entry of the RBOCs into the "information services," or the denial of that entry.

Discussion and conclusions

Prior to entering a new phase, or stage of development in the diffusion of cable television, there has been significant publicity concerning the advantages of the "wired nation" concept and the role that cable television might play in the new information age. This has happened with each stage of development with the exception of the first when cable television, as an industry, was in its unorganized infancy. Each stage took form due to regulation which shaped the economic potential of the industry, rather than through technological development.

In Stage I, from the inception of the cable industry in 1948 to 1965 when the FCC initiated regulation, the cable industry operated as a group of small entrepreneurs developing technical systems from off-the-shelf electronic components to bring television signals to underserved areas of the nation.

Stage II, between 1965 and 1972, found cable operating in a highly regulated marketplace which determined who of the American public could receive cable television and who could not, thus artificially disrupting the diffusion process. The cable operators organized as an industry to fight regulation and in the process, "reinvented" again, the cable television business. This reinvention was the "wired nation" concept of the broadband communication potential of cable. The reinvention, fostered by the cable industry, was systematically sold as the future to both the public and regulators. This first rhetoric extolling the virtues of the information age whetted the public appetite for two-way, interactive services such as education, shopping, and banking at home as well as security, information, and a multitude of entertainment services.

From 1980 on, the cable industry sought to provide marketable services to the customers of the big cities. Major market economics and abundant off-air television signals demanded another reinvention of cable during this third stage. The public demanded non-broadcast

entertainment television services to supplement the programming of the three television networks and the occasional independent television station delivered by cable. This led to the concept of cable networks such as MTV, CNN, and the Nashville Network, as well as Home Box Office and the other pay-cable channels. Cable shifted from being ancillary to the broadcast industry to being a medium in its own right.

The entertainment packages that the public found attractive and subscribed to cable to obtain were not what the cable industry sold to the cities during the franchising wars in the latter part of the period. Again, the former reinvention of the wired nation concept was dusted off by the cable industry in order to convince the cities to grant franchises that would guarantee the communications highways of the future. Once the rhetoric had served its purpose and the franchises were won, the cable operators soon forgot the promised new services. Those who attempted to provide some of the exotic services soon found that the required technology did not yet exist or that the market did not want the service.

Stage IV, or the implementation of the interactive information technologies via broadband cable, has not materialized, but the promise of that stage and accompanying rhetoric have been used by the cable industry to lobby for regulatory relief. As that regulatory change was implemented, the cable industry was changed or was "reinvented" and each subsequent reinvention has altered the diffusion curve. Economic and regulatory constraints have had sufficient impact to render the normal "s" diffusion curve inoperable in the case of cable television.

Now a possible Stage V promises to be a battle for the most popular "wire" into U.S. homes and offices. That wire will belong to either the cable companies or consist of the RBOC's fiber optic system. Most assuredly this poses a variety of issues which will have a direct bearing on the interpretation of First Amendment rights. Craft (1990) writes that the crux of the issue lay in "the public's right to know, to tell, and to discover truth." These implicit rights contained in the First Amendment dictate that "Our democracy...and our libertarian theory of control of the press are all based on the concept of a free marketplace of ideas." While media businesses are the only industries specifically given constitutional protection, both cable and telcos are now demanding recognition of their First Amendment rights in the battle to own the single communication wire into the home. But the only justification for the media's First Amendment rights is based on the public's right to know. If either cable television or the telcos are to be a monopolistic medium and have no wired competitors, then that medium must be willing to carry all voices that speak on every side of a controversial issue. That would require a return to a fairness doctrine. As Craft (1990) states: "If citizens can only receive one wire, either from the cable companies or from the telcos, then free speech could be undermined, and the First Amendment rights of the public could be abridged. . . .The bottom line is, this battle may well be that the need to preserve the First Amendment rights of the public may not be the

most economical model for the development of our nation's future communication system. . . . The two wires may ultimately cost the consumer more, and the cable industry and the RBOCs may not make all the money that they would like, but that is the price that may have to be paid to preserve the free marketplace of ideas." In short, we must guard against developing into a nation of those who can afford information vs. those who cannot which might be created by the monoplistic practices of one wire into the home by either the cable companies or the telcos.

As cable television enters its fifth decade, the promise of the interactive two-way services is once again being portrayed as the future. And again that promise is tied to regulatory relief, but this time the players are different. It is now the regional telephone operating companies that are promising the communications future through a fiber optic network, and the cable industry that has used the same arguments in the past is crying "foul." However, if history can be used as a predictor, regulatory relief that would allow the regional telephone operating companies to enter the cable television business will not guarantee the promised wired nation. While regulation can impede the adoption of the two-way interactive technologies and services, only the economics of the marketplace will drive development and subsequent diffusion throughout the population. The resurrected rhetoric depicting interactive services acts as a useful function for the industry but should not be regarded as a valid predictor of the future.

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WAKR Radio: A History

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WAKR Radio: A History
Abstract

Founded by S. Bernard Berk, in Akron, Ohio, WAKR started broadcasting in 1940. Now, more than 50 years later, WAKC-TV, owned and operated by the Berk family follows the same philosophy of broadcast journalism that made WAKR successful.

During World War II, when Akron had a population of almost 350,000, and when Goodyear and Firestone were major employers in northeast Ohio, WAKR had a local news bureau that complemented the national news, with war related stories that had a local hook.

S. Bernard Berk dictated the philosophy of the news and public affairs departments. According to his secretary of 40 years, Phyllis Simms, "He wanted to give something back to the community that had been so good to him and his family."

At S. Bernard's death, his son, Roger, became the president of the family's media interests, that grew to 8 radio stations and one TV station. However, Roger Berk negotiated for over a year with John S. Knight, the editor of The Akron Beacon Journal and a founder of the Knight-Ridder newspaper chain. Knight-Ridder wanted to expand into radio and television. Berk wanted to be named vice president of broadcasting and sit on the Knight-Ridder executive committee. Negotiations stalled and the two media moguls went their separate ways.

Under pressure from the FCC, in 1986, the Berks sold the 8 radio stations and retained only WAKC-TV.

Roger Berk, Sr. has retired and his son, Roger Berk, Jr., is president of the company.

WAKR Radio: A History

S. Bernard Berk changed the course of radio and television throughout Ohio with his ideas and innovative approach to broadcast journalism. And in doing so, Berk laid the foundation for a broadcast empire that has survived over 50 years.

In a front-page obituary, The Beacon Journal (Akron) memorialized S. Bernard Berk (November 5, 1898 -July 11, 1966) with these words: "The man whose ideas and innovations made radio a lively, effective force in Akron life died today . . ." Berk was the son of Nathan M. Berk, an Akron banker, and Anna Whitelaw Berk.[1]

A practicing lawyer from 1920-1940, he received the A. B. and LL. B. degrees from Stetson University.[2] He was president and general manager of WAKR from 1940 to his death in 1966. And, he was president and general manager of WAKR-TV from 1952 to 1966.[3]

Berk held memberships in the Federal Communications Bar Association and the Akron Bar Association.

He married Viola Greenhut (September 21, 1900 - April 25, 1977) on August 28, 1919. They had two children Roger G. Berk (March 30, 1923), who later became president and general manager of the Berk's media empire. Roger Berk married Marilyn Miller, June 25, 1950.[4]

A second child, Dr. James L. Berk (1926), became a surgeon.

Berk's formal training was as an attorney. However, his real talent seems to be as an inventor and an innovator.

The Berk family still holds Bernard Berk's patent on a light-sensitive photo-electric cell he invented. The cell would receive rays from the on-coming light of an automobile and automatically dim the lights on the receiving automobile. Berk thought if all cars were equipped with this device, driving at night would be easier and safer.[5]

He designed Sun Radio's Western Electric Public Address System. This system consisted of five large speakers mounted on the top of an enclosed truck. The announcer sat in the cab of the truck and spoke words that would be broadcast through the system's numerous speakers.[6]

Berk's Public Address System was used to help early versions of the Goodyear blimp to land at its home dock in Akron.

He used his free time to start a small radio station. In January 1937, he applied to the FCC for a license. And although the examiner recommended the granting of the permit, the FCC reversed the examiner, and in May 1938, holding that Akron didn't need a third radio station. But, Berk persisted with the campaign to get a licensed radio station on the air in Akron.

In August 1939, the commission reversed its earlier order and granted the application. When that was done, executives of WADC and WJW, of Akron; WBRY, Waterbury, Conn.; and KITE, Kansas City, protested and requested a rehearing.

However, officers at WBRY and KITE withdrew their protests leaving the two local stations to argue the case.

Paul Segal, a counsel for WADC and WJW, pointed out that the commission held in its first order that there was no need for a new station in Akron and without further hearing or evidence decided there was need for a new station in Akron.

Developing the economic argument, Horace Lohnes, a counsel for WADC and WJW, said WJW made profits of less than $900 a year or operated at a loss in the years since 1936. He said that Berk's proposed station has tentative contracts from 23 sponsors and all but five of these have been on Akron stations previously.

Lewis Caldwell, speaking for Berk's interests, said that WADC had an income of about $84,000 a year and WJW a gross of about $60,000 to $65,000 and that most of WJW's income is paid out in salaries.

Persons close to the FCC in Washington report that the economic argument that used to be considered in granting stations, does not play an important part now, the general idea at the time was to grant station permits unless there was an engineering conflict.

John S. Knight, editor of The Akron Beacon Journal and co-founder of the Knight-Ridder newspaper chain, wrote in his column, "The Editor's Notebook," July 22, 1937, "Washington insiders don't give interested Akronites much chance of being granted a license for a third radio station in the rubber city . . . I can't say we need it."[7]

Ironically, after the FCC granted the license and the station became successful, John S. Knight invested in WAKR.

July 3, 1940, The Cleveland Plain Dealer announced in an article by Robert S. Stephan, radio editor, that "A third radio station is now a definite reality for Akron, according to S. Bernard Berk, president of the Summit Radio Corp. The new station's call letters will be WAKR, Berk said yesterday. It will operate on 1530 kilocycles using 1,000 watts power day and night. The transmitter will be situated south of Akron, with work starting on the site this month. Berk hopes to have the station on the air by fall.

"Studios for WAKR will be in downtown Akron, although the exact place is still to be announced. The possibility of a network affiliation for the new station is still under discussion."[8]

On October 16, 1940, Berk won the FCC license and WAKR went on the air for the first time.

With a new FCC license in hand, Berk still had one major obstacle to the success of the new station. The FCC had expanded the frequency band in order to make room for more radio stations. WAKR was assigned a frequency in the newly opened section. Unfortunately, the radios produced in the late 1930s didn't have dials that included WAKR's frequency. Berk offered at no charge to change the tuning device on any radio set brought to Sun Radio, to include the newly authorized frequencies. Berk was anxious to make these changes, since every radio that was changed offered the potential for the listening enjoyment of a new household.[9]

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Akron, Ohio, was a city on the move. In 1930, the city's popularion was slightly over 255,000. Ten years later, the population had grown to almost 350,000. Jobs were plentiful as the preparation for the war brought new demands to two of the city's major employers -- Firestone and Goodyear. Hoover, a company best known for vacuum cleaners, hired a large number of employees and turned part of its manufacturing skills into products for the war effort.

Akron was booming and a new radio station contributed to its growing affluence.

During the summer of 1940, the Summit Radio Corporation, headed by S. Bernard Berk, leased a large part of the ground floor of the First National Tower for the first modern radio studios in downtown Akron. Many said WAKR had one of the finest broadcasting stations and studios in Ohio.

With the call letters WAKR, the station went on the air at 6:30 p.m., October 16, 1940, as a member of the National Broadcasting Company, Blue Network. Dr. Noble S. Elderkin, the president of the Akron Ministerial Association and pastor of the First Congregation Church, delivered the invocation.

Akron Mayor Lee D. Schroy and C. W. Seiberling, one of the founding partners of Goodyear Tire and Rubber Company, delivered welcoming comments. Milton Cross, announcer for the N.B.C. program, "Information Please," was the master of ceremonies.[10]

On WAKR's first complete day of operation, Thursday, October 17, 1940, the program schedule indicates a mixture of eight local news broadcasts, plus "AP News" and "War News."

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The schedule included a variety of music programs -- "Face the Music," "Concern Hall of the Air," "Dance Music," "Johnny McGee Orchestra," and "Vaughn Monroe's Orchestra."

And, of course, Akron listeners heard radio dramas -- "I Love Linda Dale" and "Thunder Over Paradise."[11]

Berk was one of the first station owners in the country to establish a local news service to augment the news services of the United Press and Associated Press.[12] He took pride in the fact that he was the only Akron radio newsman to be invited to join Sigma Delta Chi, the professional journalism society.

Phyllis Simms was S. Bernard Berk's secretary for more than 40 years. She described the local news efforts of WAKR, "We had local reporters who covered Akron and Summit County news. Mr. Berk thought the community had been good to us and wanted to return some of that goodness. So, he developed a first-rate local news bureau.

"Once, we had a blizzard. All of us stayed on duty at the station for several days. We couldn't get home. We did news stories about the storm and gave advice about how to survive the storm. I think we saved lives.

"The philosophy of the news department and our public affairs broadcasting came directly from Mr. Berk. He wanted to give something back to the community that had been so good to him and his family. He considered everyone who worked at the station part of his family."[13]

Many radio and television stations now have local news bureaus and active public affairs programs. However, Bernard

Berk was one of the first station owners to put this innovative plan into practice.

WAKR started broadcasting as the United States became involved in World War II.

By 1941, the war brought changes in radio journalism. WAKR, of course, participated in keeping northeast Ohio aware of war news. War-time programs included "Army Show from Camps," "British Refugee Children Phone Calls" and "I am an American." Commentator Lowell Thomas reflected on the war.

In addition, the station carried the usual radio fare for early 1940s, including "Just Plain Bill," "Breakfast Club," "Mr. Keen, Tracer of Lost Persons," "Inner Sanctum," "I Love a Mystery," "Death Valley Days," "Quiz Kids," and "Pot O'Gold $1000 Giveaway."

By 1942, WAKR's lineup included Milton Berle, Dinah Shore, Xavier Cugat's Orchestra, Drew Pearson, "Lum and Abner," "The Green Hornet," "Gang Busters," and "Tom Mix."

That same year the station continued to broadcast the news of the war and other programs designed to keep morale high during the war. Some of those programs included Eleanor Roosevelt, U. S. Army Band, "Ask Young America," "Service With a Smile," and "The Farm and Home Hour."

Radio brought the war home to Americans and WAKR contributed to keeping Americans informed.

In a 1942 anti-trust suit, the U. S. Courts decreed that NBC must split its two radio networks, the NBC Red and NBC Blue networks. CBS executives hoped that the courts would allow them to acquire the network being sold off; however,

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the government wanted NBC to sell one of its two networks to a new operator in the interest of expanding the diversity of voices of communication. Under court orders, NBC sold its Blue Network to a new company headed by Edward J. Noble, and the network's name was changed to the American Broadcasting Company, or ABC.

In 1943, WAKR joined the ABC lineup and, even today, is still an ABC affiliate.

That year the station's line-up added Danny Thomas, Ella Fitzgerald, Walter Winchell, Kate Smith, "The Lone Ranger," and "Jack Armstrong, the All-American Boy."

Patriotic broadcasts included "American Town Meeting," "Wake Up, America," and the "U. S. Marine Band."

In 1944, the Akron station added Paul Whiteman, Connie Boswell, Guy Lombardo, Sammy Kaye, "Dick Tracy" and shows such as "Blind Date with Arlene Francis," and "Gertrude Lawrence Theater."

The patriotic programs from the previous season continued.

The war years ended with the addition of the Andrews Sisters and Horace Heidt to the musical side of the programming. Anthology soap operas became popular and programs such as "My True Story," were offered.

In addition to the network programs was the steady effort of the local radio stations to bring a music format to the audience. Several events occurred that aided in this trend and gave the local stations the opportunity to play recorded music on the air by using music available from a new company started in 1939, Broadcast Music Incorporated, BMI.

BMI became the major rival to the only music licensing company that had the rights available to the artists works, the all powerful American Society of Composers, Authors and Publishers, ASCAP. A 1940 court decision made it possible for certain records intended for home use to be played on the air without special licensing agreement.

These events set the stage for the development of the new on-air personality who was part host, part pitchman and all entertainment, the disc jockey or DJ. Nationally, more than 60% of the station's air time was programed in a music format.

As radio saw the United States through the war years, radio voices became personalities who brought comfort during the dark days of the war and could sell a sponsor's product. For example, CBS's popular radio personality Arthur Godfrey described for a national radio audience the motorcade that carried the body of President Roosevelt to its final resting place. Godfrey's popularity with radio audiences increased the sale of Lipton Tea and Chesterfield cigarettes.

On ABC, Don McNeil hosted the popular "Breakfast Club" a highly popular program through the war years.

Bernard Berk's touch at picking unknowns and building them into radio personalities who went on to fame on network shows or even Hollywood films was a legend in the trade. 14

Among the graduates of what is still called "The WAKR talent school" were Mark Stevens and Lola Albright, who became popular movie and television performers.

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Alan Freed started his disc jockey career at WAKR and later achieved fame as one of the most popular DJs of all time. He is credited with coining the phrase, "rock 'n' roll."

Art Fleming was one of the first hosts of "Jeopardy," a television game show. In Akron, he was known as Art Fasin and hosted, "Nothing Fazes Fasin," an early version of the call-in radio talk shows.

Charley Greer of ABC sports and Peter Hackes of NBC news started their careers in the WAKR talent school.

At the end of the war, the economy heated up and soldiers returned to build lives and to buy consumer products. One product that was on the horizon and would change WAKR and the world forever was soon to appear, television.

In 1950, a TV set cost between $450 and $500. Evening national news was on the air for 15 minutes each night, and there were 3,375,000 TV sets in use. By 1951, there were 10-million TV sets in use, and by 1955, the United States had 31-million TV sets in use and by 1963, there were 50 million TV sets in use.

In 1991, more than 150-million TV sets are in more than 92-million U.S. homes. Ninety-million homes have color reception and it is estimated that 74.5% are equipped with video tape records. More than fifty-eight percent of the homes in this country have cable television reception.[22]

In 1947, the Berk's filed for a construction permit for a television station. However, the FCC had put a freeze on the construction of television stations during the war.

With the Sixth Report and Order in 1952, the FCC lifted the freeze, established the method for the transmission of color television and added additional television channels in the UHF band width.

And, in 1953, the Berks added a TV facility to the family's radio holdings in Akron. That year, Berk received a license and won, with the toss of a coin, his new station's dial position -- "Channel 49."

On July 19, 1953, WAKR-TV began telecasting from a small studio on the first floor of the First National Tower, in downtown Akron.

The Berk family expanded its holdings in radio into the 1970s. Each new holding became part of the Group One Chain. Robert G. Berk, Sr., was president of each of the Group One companies and a local person served as vice president and general manager.[15]

Summit One, the first of the Group One Chain, owned WAKR (AM) in Akron, the flagship station. This station was soon joined by WAEZ (FM), also, in Akron.

In 1964, Group One Broadcasting -- Dayton bought WONE (AM and FM) in Dayton, Ohio.

In 1966, Group One of Texas bought KBOX (AM) and KTLC (FM) in Dallas.

According to Broadcasting, The Group One Chain invested $5,500,000 to acquire the radio stations and spent twice as much in facilities improvements.[16]

By the mid-1960s, Roger Berk owned one television station and six radio stations. He was a well-known media mogul who exercised some influence at the ABC network.

His efforts to produce quality radio and TV news and his commitment to community affairs made him a respected and admired member of the community.

Only a few blocks away, John S. Knight was the editor of The Akron Beacon Journal. Knight was at the peak of his powers. He had personally won a Pulitzer Prize for his editorials in The Beacon Journal. he had been the subject of a cover story in Newsweek and he had been photographed with Presidents Eisenhower, Kennedy and Johnson.

John Knight and the Knight-Ridder executives wanted to enlarge their empire to include radio and television. However, under a different financial arrangement, Knight and The Beacon Journal owned 45% of the stock in Berk's growing media empire.[17]

In late 1967, John S. Knight and Robert Berk, Sr., entered negotiations for a merger.

Alvah H. Chapman, Jr., the treasurer of Knight-Ridder, wrote in a memo to the executive committee of Knight-Ridder that the Summit Radio Corporation and its affiliates had a 1967 profit of $350,260. Chapman had expected Summit Radio to have a $600,000 profit.[18]

By April, Chapman raised a red flag on the merger. He wrote in a memo to Knight, "I think we should get a 1967 audit and a more definite trend on 1968 before we move ahead on a $6.8 million deal.

"I am sure this will not put me at the top of Mr. Berk's popularity list, but I think the questions here are substantial." [19]

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Later that month, Chapman wrote about Knights' plan to buy out Berk in another memo (undated), "Knights's and Berk's have tentatively agreed that $8,600,000 is the value of the Berk's share.

"Berk's desire, and will only accept, a transaction that will be free from income tax, but ultimately, they feel they will be charged with capital gains at the time of their sale."[20]

The negotiations moved slowly through the summer. On October 22, 1968, C. Blake McDowell, an attorney for John Knight, wrote to Knight about Berk, "We have not covered his suggestion that he be elected as a director or vice president of Knight Newspapers, Inc." [21]

McDowell prepared two contracts to be signed by Knight and Berk. The first, was a contract for the merger of Knight-Ridder and Summit, Berk's company.

The second contract was between Knight-Ridder and Roger Berk. This contract called for Knight-Ridder to employ Roger Berk as the manager of the radio stations in Dallas and Dayton for a period of ten years, starting at the time of the merger. Berk was to be paid $15,000 a year to manage each station -- a total of $30,000. In addition, he would receive a percentage of each station's operating budget before taxes.[22]

On November 1, 1868, Alvah Chapman wrote a memo to John Knight reminding him that Knight-Ridder newspapers had a policy of not having contracts with executives. He suggested the newspaper executives might consider a change in policy

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for Berk. He wrote that a contract with Berk for $15,000 for each radio station plus 5% of each station's operating budget before taxes, "Might be a deal we could live with." [23]

Finally, on November 13, 1968, John S. Knight sent a confidential memo to the executive committee of Knight-Ridder. He wrote in a section about Roger Berk:

"Berk wants to be Vice President-Broadcasting. The reason? Status! This is terribly important to him and you must know the man to understand his attitude.

"As I read it, Berk fears being `shunted aside.' He craves recognition, doesn't want to be know forever as `the man from WAKR.' More on this later."

Later in the same memo, Knight continues, "Berk's request for a contract is defended on grounds that while he knows JSK and McDowell, he doesn't `really know' the other principals. To interpret this statement, one must `really know' Berk. A ride on Jim's yacht or golf at Indian Creek would have him bubbling with enthusiasm. He is afraid that someone may not `like the way he parts his hair' or care for his religion." [24]

The principals of Knight-Ridder met in Miami, the site of their national office, with Berk in mid-December. An agreement that was mutually satisfactory could not be reached and negotiations ended.

The contracts McDowell prepared were never signed. And, Roger Berk's ambitions to be part of the Knight-Ridder organization were never realized.

However, Roger Berk continued building his empire. In 1971, Group One West, under the leadership or Roger Berk, bought KLX (AM and FM) in Denver. [26]

On October 31, 1986, under pressure from the FCC, Roger Berk sold the eight radio stations and retained only WAKC-TV, in Akron. According to Robert Berk, the family invested the assets from the sale of the station into WAKC-TV.[27]

In November 1953, WAKR-TV moved to a new facility at 853 Copley Road, where the facility is now located. In November 1967, WAKR-TV moved from Channel 49 to the technically preferable Channel 23. [28]

In 1986, when the Berks sold their radio holdings, they changed the name of the television station to WAKC-TV. The name it has today.

The leadership in the Berk media empire changed in 1988, at the death of S. Bernard Berk. Following Bernard Berk's death, Viola Berk, his wife, became president of family's companies. Their son Roger G. Berk, Sr., became vice president of the company and general manager of the Akron operations.

At Viola Berk's death in 1977, Roger G. Berk, Sr., became president and general manager of the Berk's companies.

Roger G. Berk, Sr., retired in 1988 and now divides his time between his home in Akron and a home in Florida. His older son Roger G. Berk, Jr., is president of Group One, the company that owns, WAKC-TV. Berk, Jr., is, also, president of Creative Technology, Inc., a television production company that shares the WAKC-TV facility in Akron.

Robert Berk, the younger son, is vice president of both companies.[29]

WAKC-TV is one of the smallest television stations in the Cleveland-Akron market, the nation's eleventh largest television market. In addition to sharing the market with Cleveland stations, WAKC-TV shares the ABC network affiliation with WEWS-TV, Channel 5, in Cleveland.

WAKC-TV carries the usual ABC fare. However, WAKC-TV continues in the tradition of its founding father S. Bernard Berk and concentrates on local news and local public affairs.

In 1993, the east coast of North America suffered the blows of the blizzard of the century. Mark Williamson, WAKC-TV's news director described the scene at the station when the blizzard starting moving into the area. "We kept all of our news and weather staff at the station. We wanted to alert our viewers to what was happening. I think we saved lives." [30]

No one died in the WAKC-TV viewing area because of the blizzard.

For more than 50 years, S. Bernard Berk and Rober Berk, Sr.'s emphasis on local news and public affairs has been the standard operating procedure WAKR radio and, now, for WAKC-TV. And, that compelling way of doing business has become the standard for radio and television stations throughout Ohio.

END

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9. Roger G. Berk, interview, July 7, 1991.
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End

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THE MISSOURI STATE COUNCIL OF DEFENSE;

BOOSTING MORALE AND VOLUNTARY ACTION DURING WORLD WAR II

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THE MISSOURI STATE COUNCIL OF DEFENSE:
BOOSTING MORALE AND VOLUNTARY ACTION DURING WORLD WAR II

ABSTRACT

In conjunction with the Office of Civilian Defense (OCD), the Missouri State Council of Defense (MSCD) worked to encourage voluntary civilian defense among its populace. To that end, radio scripts were written by or for the MSCD for broadcast. The purpose of this study was to analyze how the MSCD used broadcast appeals to increase civilian defense participation. Radio scripts were content analyzed based on the same themes used in wartime advertising: miraculous salvation, the American way, 'What's wrong with America', American style, Victory, and Informational. The study found that the scripts fell into two categories. The study also found that the scripts were not gender specific.

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THE MISSOURI STATE COUNCIL OF DEFENSE: BOOSTING MORALE AND VOLUNTARY ACTION DURING WORLD WAR II

Wartime is a time of crisis for any nation. Not only must troops be physically and psychologically mobilized for combat, a nation's masses must also be psychologically mobilized for the ensuing war and loss of life. Such was the case for America during World War II.

As World War II approached, the government believed that a victorious outcome could only be accomplished by a psychologically unified nation. The mobilization and efficient use of all of the nation's resources, both material and human, was imperative to winning the war. However, because it was necessary to reserve all monetary resources to the manufacture and shipment of arms, the government quickly realized that volunteers were needed to perform the duties necessary for civilian defense. To the nation's credit, volunteers were plentiful. As a result, the Office of Civilian Defense (OCD) was created as an umbrella agency to handle what needed to be done under the broad term of "civil defense". To that end, the OCD created several publicity campaigns to define the functions necessary for civilian defense.

The national OCD created several campaigns: the Victory Gardens, blackout preparedness training, and Salvage Campaigns are among the most well known. Public relations campaigns, complete with press releases, spot announcements, radio scripts, and promotional ideas were created for radio stations willing to support the war effort. However, few indepth studies of these

campaigns, and the appeals used to motivate the public, have been conducted. Also, few studies have been conducted to analyze how individual state civil defense councils used the media to publicize the efforts and goals of the government agency. Government agencies like the OCD, however, were not the only ones to produce campaigns in support of the war effort.

In Madison Avenue Goes To War, Stephen Fox explores war advertising's "influence in terms of values, assumptions, and the modes of perception it imparts, and to explore it specifically in terms of advertising's reflection of, and contribution to, the American idea of war in the 20th century". (Fox, 1975). Fox adds that this could have been as easily done by looking at movies, magazines, or radio dramas. As unique as the War experience was to the development of advertising, Fox maintains that war advertising presented a distorted view of the war.

Fox's theory that radio dramas and advertising imparted similar values which helped to mold the public's perception of the War opens an area of research. The purpose of this paper is to explore how one state used broadcast appeals to the public to encourage civilian defense. The paper will examine the Missouri State Council of Defence (MSCD)'s predominant themes for radio dramas. This study is primarily descriptive; it will compare and contrast the predominant themes used in radio dramas produced and broadcast by or for the MSCD between 1941-1945 with the themes created in war advertising during the same years. The same themes used in Fox's book will be used for this study: the Miraculous

Salvation theme, the American way theme (which includes free enterprise and opportunity), the 'What's wrong with America' theme, the American Style theme, and the Victory theme. From this information, two hypotheses will be tested: The appeals used in radio dramas are the same as those used in war adverting, and the appeals used in radio dramas are gender related, primarily targeting women.

This study expects to find that many of the same appeals used in war advertising were also used in the radio dramas used by the MSCD.

The promotional activities of the OCD and its state entities is an overlooked area of public relations, propaganda, and broadcast history. A study of the campaigns produced by these government agencies is important because not since World War II has the media worked so closely, unquestionably, and openly with the government toward the war effort.

Archival documentation was provided by the Western Historical Manuscript Collection of the University of Missouri-Columbia.

HISTORICAL AND THEORETICAL BACKGROUND

Of all the wartime public information agencies created by the Roosevelt administration during World War II, the activities of the Office of Civilian Defense (OCD) appears to have been the least researched. Perhaps this is because the OCD was one of the few New Deal programs created by President Roosevelt which failed to pass the scrutinise test of the government and the public, and was seen as having little value to the administration.[1]

President Roosevelt created the OCD in May, 1941. With New York Mayor Fiorella La Guardia as director, the agency was organized to coordinate federal, state, and regional efforts to protect civilians in an emergency, and to boost civilian morale. The OCD saw its mission as coordinating "all civilian organizations...as the backlog of our defense effort in producing the unity of effort which is essential to the element of success".[2]

Along with establishing the agency, Roosevelt also appointed Eleanor Roosevelt as deputy director a few months later. The OCD was Mrs. Roosevelt's first and only official government appointment. Although she was very committed to her work with civilian defense, her experience with the OCD proved to be a major disappointment in her career as First Lady, "referring to it as an

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[1]Frank Freidel. Franklin D. Roosevelt: A Rendezvous with Destiny (Boston: Little, Brown & Co., 1990), 427.

[2]Memo from Office of Civilian Defense in Washington, D.C. to its Regional Directors, Missouri State Council of Defense, file #1772, Western Historical Manuscript Collection, University of Missouri-Columbia.

unfortunate episode."[3]

The OCD was fraught with conflict virtually from its inception. There was little coordination of activities between the La Guardia and Mrs. Roosevelt. La Guardia did not take the job seriously, concerning himself with the technical aspects of the agency and being mayor of New York. Mrs. Roosevelt, on the other hand, took her job very seriously, concerning herself with morale building rather than technicalities. She worked vigorously to develop volunteer programs in communities with the thought that these programs would last after the war. Through radio broadcasts, Mrs. Roosevelt stressed civilian training and the establishment of information bureaus.

Though well-intentioned, the OCD was criticized for its inefficiencies. OCD functions were largely run by volunteers at the local, state and regional level. The federal staff, however, was paid, causing the most criticism against the agency. To achieve her goal of morale building, Mrs. Roosevelt employed several of her friends, paying them several thousand dollars each for their services. In a time of personal sacrifice and cutbacks because of the war, Mrs. Roosevelt's expenditures were seen by the public and Congress as inefficient and wasteful.

In addition, the OCD was criticized for failing to form a women's division. The OCD, however, responded quickly, actively recruiting women and blacks to fill positions. A few days after the

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[3]Otis Graham and Meghan Robinson Wander, Franklin D. Roosevelt: His Life and Times, (Boston: G.K. Hall Co., 1985), 365.

bombing of Pearl Harbor, Mrs. Roosevelt contacted the Business and Professional Women's Clubs and asked them to 'man' the OCD offices in the evening. Her request was met with approval by the women's group.[4]

The support Mrs. Roosevelt received from women's groups was not enough to stem the rising tide of criticism. The public outcry over frivolous expenditures forced President Roosevelt to replace La Guardia with Judge James McCauley Landis as executor of the agency. Although Mrs. Roosevelt tried to work with Landis, she later succumbed to criticism and resigned from her post in 1942.

While not entirely pleased with the agency's activities, the administration offered to help the OCD in its goals by offering to prepare promotional materials. La Guardia, however, declined the offer. There was a government preference for non-professionals in staffing "rival propaganda agencies."[5] Despite the preference for dramas written by non-professionals, the OCD produced a catalog of radio scripts produced by writers employed by the agency. These radio dramas were prepared for communities lacking the resources to produce quality radio dramas portraying volunteerism for the war effort.

Despite her bitter departure from the OCD, Mrs. Roosevelt's goal to have communities build volunteer programs for civilian defense was realized. Several states created civilian defense

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[4]Doris Weatherford American Women and World War II, (New York: Facts On File, 1990), 228.

[5]Frank W. Fox. Madison Avenue Goes To War, (Utah: Bringham Young University Press, 1975), 27.

offices, including Missouri.

The Missouri State Council of Civil Defense (MSCD) was created October 10, 1941 by Governor Forrest C. Donnell, and was considered an extension of the state's civil defense council organized during World War I. Missouri's 63rd General Assembly made an appropriation of $3250 for the council, a figure which stands in stark contrast to the state's civil defense council established for World War I.[6]

In 1917, the Missouri's Council of Civil Defense was signed into effect in April of that year and was "underwritten [in the amount of] $100,000 by 20 members as an emergency measure, and the funds placed at the disposal of the Council".[7] It can not be determined why the Council was given so little money for its World War II campaigns. However, since the OCD was to be an agency manned by volunteers, it would appear that the state was depending on its residents to pitch in when needed. The state was right. Among its other accomplishments, the MSCD obtained over a million dollars worth of fire-fighting equipment, air-raid warden equipment, and hospital equipment.[8]

While monetary appropriations were markedly different for World War II's MSCD, the organization's structure and objectives were virtually identical to the World War I council. County councils were established in each of Missouri's 114 counties. In

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[6] Wilson Bell. Official Manual of the State of Missouri, 1946.

[7]John L. Sullivan, John L. Official of the State of Missouri 1971-1918, (Jefferson City, MO: Hugh Stephen Company).

[8]Wilson Bell. Official Manual of the State of Missouri, 1946.

addition, committees were established to coordinate efforts in industry, labor, consumer protection, agriculture, and civil defense. The MSCD also coordinated training schools for wardens, firemen, emergency hospital staffs, and nutritionists. The MSCD coordinated its efforts and reported any problems to the regional office in Omaha, NE. The largest cities in the state, Kansas City and St. Louis, also had their own civilian defense office.

Robert Holliway served as the Director of Publicity for the MSCD. His duties were to ensure and coordinated the publicity of civilian defense campaigns. To that end, he had to ensure the cooperation from the various media outlets throughout the state. To accomplish that goal, Holliway sent letters to newspaper editors and general managers of radio stations stating that they had been appointed to the publicity committee. The letters did not "ask" if these people wanted to serve. They were appointed, suggesting that there would be little question of the editor's and general manager's compliance.[9] However, a letter sent by Holliway to Harvey Wertz suggests that there was either some confusion or some reluctance on the part of radio stations in larger cities to comply with the publicity aims of the MSCD. "Our greatest difficulty is trying to crash the programs of the larger stations in St. Louis and Kansas City".[10]

Similar to its World War I predecessor, the objective

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[9]Missouri State Council of Defense, file #1769, Western Historical Manuscript Collection, University of Missouri-Columbia.

[10]Ibid., file #1832.

Missouri's World War II civilian defense agency was to mobilize local resources for civilian defense and ensure patriotism within the state. To that end, the MSCD utilized public relations campaign guidelines provided by the OCD. These campaign guidelines included subject matter, procedures on securing media support, writing newspaper copy and radio dramas, and even recommended the use of specific words as guides for action. For example, the words share, produce, conserve, and play square should be included in the copy.[11] The guidelines provided by the OCD implied that writing radio dramas, with the purpose of social mobilization on a mass scale, was a science, not something to be taken lightly by the novice writer. The concept of writing with social mobilization as its goal was not unique to World War II. Media messages were imbued with the concept was propaganda, a product of communications research conducted during and after World War I.

In Propaganda and Persuasion, Jowett and O'Donnell define propaganda as "the deliberate and systematic attempt to shape perceptions, manipulate cognition, and direct behavior to achieve a response that furthers the desired intent of the propagandist."[12] The authors date propaganda back to the Imperial Roman Empire. However, propaganda's modern applications can be dated to the convergence of technology with an emerging mass society.

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[11]Share The Food Campaign, Missouri State Council of Defense papers, file #1877, Western Historical Manuscript Collection, University of Missouri-Columbia.

[12]Jowett, Garth S. and Victoria O'Donnell. Propaganda and Persuasion: 2nd edition, New Burty Park: Sage Publications, Inc., 1992.

During the late nineteenth and early twentieth centuries new forms of communication were introduced to society, mainly the rise of large daily newspapers and radio. Along with these new forms of communication came the concept of the mass, homogenous audience, which could be identified as 'public' and 'private'.

Taken separately, the concepts of mass audience and technology is not what contributed to the use, and fear, of propaganda. What made these concepts important was the underlying assumptions attached to these concepts.

Social science researchers (heavily influenced by the studies conducted by Harold Lasswell) and politicians assumed two major characteristics about the mass audience and technology. They believed people were ruled by affection and instinct, and reacted immediately and uniformly to mediated messages. Consequently, scientists assumed people could be easily manipulated because their reactions were rarely based on indepth analysis.

Social scientists and politicians also assumed the media to be all powerful. They assumed that the media acted as an opiate, appealed to the lowest common denominator of the population, and lulled people into an "intellectual lethargy". These assumptions about human behavior and powerful media, combined with the concept of mass audience contributed to the Magic Bullet Theory of mass communication. This theory which dominated communication research until World War II.

World War II proved to be an important time in the evolution of communications research, radio, and advertising. Communications

research conducted during World War II was at an important point in its evolution. Fueled by the assumptions of the mass media's powerful psychological effects, the research conducted during the 1940s began to shift from direct influences from the media to more subtler cognitive influences.[13] With the announcement of the bombing of Pearl Harbor, radio evolved from a medium known solely for entertainment to a medium considered by many as a primary news source. Also, advertising took on the look of a government propaganda agency with the production of advertisements designed to interpret war aims to the public.

In Madison Goes To War, Frank Fox describes how war time advertising helped to shape American perceptions of the war and that those images were largely distorted. Fox also theorizes that an analysis of radio would show that it, too, had shaped wartime perceptions using the same thematic techniques. The scope of this study focuses on how radio, through an analysis of radio dramas produced by or for the OCD and its state councils, influenced the perceptions and defined the duties of civilian defense during World War II.

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[13]Fox, Frank W. Madison Avenue Goes to War:the strange military career of american advertising , 1941-1945. Bringham Young University Press, 1975.

METHODOLOGY

Twelve radio scripts were content analyzed for the predominant themes used to promote volunteerism. The titles of the radio dramas are as follows: "On Guard, Missouri", written by Ellen Lee Brashear; "Volunteers For Victory" and "Valuable Lives", written by Mary Elizabeth Baker of Missouri's Safety Division of the State Highway Department; "Yankee Doodle", "Black Out Radio Script", and "Blackout School of the Air", authors unknown; "Yes, There's a Place for You", written by the Missouri WPA Writer's Project, "Saving and Safety", "Salvage for Victory", and "Kansas City On Alert", authors unknown; and "What Every American Should Know About Our Food Supply In Wartime" and "Food Makes History", prepared by the OCD.

Fox's study proposes that the same themes used in war advertising could also be in radio dramas. Consequently, the radio dramas were content analyzed based on Fox's themes. Those themes are: The Miraculous Salvation , The American Way, What's Wrong With America, The American Lifestyle, and The Victory theme.

Fox describes the "Miraculous Salvation Theme" as the technique of taking the listener to the War or taking the War to the listener. Taking the War to the listener enables the listener to participate in the War vicariously. Fox states that this theme later evolved to become one of complacency, whereby the victim of the war changed from "you" to "someone else". In addition, the use of softer emotions, and an expurgation of guilt were elements of

ads produced during the later days of the war.[14]

The American Way theme contained the predominant element of free enterprise and "the freedom to live your life the way you want." America was portrayed as the land of democracy, opportunity, and having a lifestyle which was free of regimentation. The War was often depicted as being "fought for the American way, by the American way." [15]

The "What's Wrong With America" theme contained the predominant element of fear. The fear appeal, however, was not the fear of being bombed or overrun by the enemy. The fear expressed in this theme was a fear that the war would be lost because of a moral weakening within America.[16]

Fox describes the American Lifestyle theme as containing the predominant element of softness and sentimentality. Also, the enemy of the American lifestyle was portrayed as hatred, greed, cowardice, and treachery.[17]

Another predominant theme of wartime advertising was the Victory theme. As indicated by its title, this theme portrayed all wartime efforts for the goal of a victorious America.[18]

As the categories used in content analyses need to be exhaustive, an additional thematic category will be added. This

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[14]Ibid, p.63.

[15]Ibid., p. 69.

[16]Ibid., p. 73.

[17]Ibid., p. 75.

[18]Ibid., p. 86.

theme will be called "Informational", and can be described as giving just the facts.

RESULTS

Twelve radio dramas were analyzed for this study. Seven of the twelve radio dramas (58%) analyzed for this study primarily used 'The American way' theme. The remaining five dramas (42%) fit into the informational category. These dramas were primarily technical in nature and focused on describing the various positions and duties available as a civilian defense volunteer.

The following dramas were classified as using The American Way theme: Volunteers for Victory, Kansas City On Alert, Valuable Lives, Safely and Saving, Food Makes History, and Yankee Doodle. In "Volunteers for Victory", which focused on the multiple duties of civilian defense, the audience was urged to volunteer by being reminded that the war was being fought for "the four freedoms - Freedom of Speech, Freedom of Worship, Freedom from Want, and Freedom from Fear".[19] In "Kansas City On Alert", listeners were informed that civilian defense offices are "manned by volunteers--men and women, who, just like you, treasure a <u>way</u> of life more dear than life itself...[and] have but one job; <u>to keep America the land of the free!</u>".[20] In "Food Makes History", a script prepared by the OCD, the audience is reminded that the production of food is important to the war effort because "our food has become a weapon--

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[19]Mary E. Baker, "Volunteers For Victory", Missouri State Council of Defense, file #1770, Western Historical Manuscript Collection, University of Missouri-Columbia.

[20]"Kansas City On Alert", Missouri State Council of Defense, file #1779, Western Historical Manuscript Collection, University of Missouri-Columbia.

it helps in the battle for victory, it helps shorten the war and win peace--our FOOD FIGHTS FOR FREEDOM. Not only for freedom from want and hunger, but for all freedoms of mankind...a basic weapon in the battle for liberty".[21]

While most of the dramas were classified by predominant theme, a few dramas had elements of other themes. "Yankee Doodle", which focused on general civilian defense duties, contained elements of The Miraculous Salvation Theme. In the drama, the subject was taken to Europe to participate in and live out some of the tragedies of civilian defense. In addition, "Volunteers for Victory" contained elements of sentimentalism, and "Food makes History" contained elements of a victorious America.

Due to the writings of World War II historians who state that much of the civilian war messages targeted women[22], this study expected to find the majority of the radio scripts targeting women. This was not found. In fact, none of the scripts were gender specific. These dramas encouraged both men and women to volunteer. However, the duties which were described in the dramas appeared to be gender related. For example, in "Yes, There's A Place For You", women were depicted as volunteer nurses and food specialists, while men were depicted as bomb defusers, firemen, and air raid wardens. Also, four of the dramas were cross-generational. These dramas,

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[21]"Food Makes History", Missouri State Council of Defense, file #1882, Western Historical Manuscript Collection, University of Missouri-Columbia.

[22]Weatherford, American Women and World War II, and Rosie The Riveter.

"Valuable Lives" and "Volunteers For Victory", were based on a family of characters, which included the immediate family, two children, and a grandmother (these two dramas had the same author).

While not stated as a hypothesis, this study also expected the defilement of the enemy to be an important element in the radio dramas. This was not found. Only four of the dramas mentioned the enemy by name; two of those dramas were written by the OCD.

CONCLUSION

The purpose of this paper was to examine how the MSCD used broadcast appeals to the public. The first hypothesis of this study maintained that the same appeals used in wartime advertising were also used in wartime radio dramas written by or for the MSCD.To that end, radio dramas were content analyzed for their predominant themes. This study looked for those themes used in wartime advertising.

This study expected to find that many of the same appeals used in wartime adverting were also used in wartime radio dramas. This study, however, found that the radio dramas used by the MSCD fell into two thematic categories: The American Way theme and Informational. The other themes which Fox states were used in wartime advertising were not evident in the radio dramas used by the MSCD. Consequently, Fox's thematic approach did not prove entirely appropriate for this study.

The second hypothesis of this study maintained that broadcast appeals used in the radio dramas were gender related, and primarily targeted women. This study found no evidence to support this hypothesis. Surprisingly, this study found that the appeals used in radio dramas were not gender specific, and were cross-generational. It appears that the writers of the radio dramas used by the MSCD wanted young and old to know that their contributions were welcomed by the civilian defense office.

The Missouri State Council of Defense seemed beset with the same confusion which plagued the national office. With so many people volunteering for duty, it was difficult for the MSDC to stay on top of promotional activity. For example, in January 1943, Robert Holliway, Publicity Director of the MSCD, sent form letters to radio stations throughout the state informing them to work out a program of radio talks, spot announcements and other material publicizing Farm Mobilization Day. A few stations responded saying that the MSCD's reminder was not necessary; they had already made arrangements for publicizing Farm Mobilization Day as well as the Victory Home Campaign.[23] Also, a few transcriptions sent by the MSCD radio stations often arrived late or in pieces due to poor shipping and handling (at the time, transcriptions were made of glass and were very fragile). However, while the confusion over promotions and broken transcriptions may have hampered the efforts of the MSCD, the Office of War Information's (OWI) interference proved to be the death knell for the MSCD's radio activities.

The OWI was the Roosevelt administration's primary propaganda agency. It handled all information pertaining to the war. However, in January, 1943, the OWI officially assumed control of promotional activity relating to government war programs. The OWI informed all radio stations that all spot announcements and scripts, whose subject matter was government programs like rationing or conservation, were to be censored by the agency. Spot

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[23]Letters from Robert Holliway to radio stations, Missouri State Council of Defense, file #1857, Western Historical Manuscript Collection, University of Missouri-Columbia.

announcements and scripts had to be approved by the OWI before they went on the air, a process which could take up to three weeks. Even the "Yankee Doodle" script series, produced by the OCD, had to be cleared before broadcast.

Some program directors at radio stations felt that a three week clearance was needed on speeches and dramas was outrageous. The program directors maintained that nothing would get publicized because most radio stations scheduled guests and programs with only a few days notice. The MSCD protested to the state's regional OWI office, complaining that the agency's restrictions weakened the local MSCD programs. The complaint, however, was made to deaf ears. The OWI did not reverse its directive.

The OWI directive severely hampered the MSCD's radio efforts. Very little radio activity occurred from January, 1943 to the agencies close in July, 1944. However, prior to OWI's interference, the MSCD was very active in its promotional activities.

While the Office of Civilian Defense was not a highly respected division of the Roosevelt Administration, it appears that the people of the Missouri State Council of Defense took their duties very seriously. The confusion and perhaps rivalry between government agencies and their authority eventually took its toll on the MSCD. However, the efforts of the OCD and the MSCD will remain a part of broadcast history.

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Censoring Comics: The Implementation and Enforcement of the 1954 Comics Code

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ABSTRACT

Censoring Comics: The Implementation and Enforcement of the 1954 Comics Code

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The history of censorship of the mass media has traditionally focused on print journalism or on film, with occasional forays into obscenity and pornography. One area of research that has been neglected is the history of comic book censorship. The regulations that restrict the content of comic books were adopted nearly forty years ago and are still in effect today. This paper examines the implementation and early enforcement of the self-regulatory code imposed by the comic book industry in 1954.

The growth in popularity of crime and horror comic books in the postwar period, coupled with a perceived rise in juvenile delinquency, brought the comic book industry under the scrutiny of the public and of the government. In 1954, following the publication of an expose on comic books, *Seduction of the Innocent,* by prominent New York psychiatrist Dr. Fredric Wertham, and after an investigation of the industry by the Senate Subcommittee on Juvenile Delinquency, the publishers banded together, formed the Comics Magazine Association of America, and adopted a self-regulatory code patterned after the Film Production Code.

The association appointed Judge Charles F. Murphy as head of the Comics Code Authority on October 1, 1954. Murphy and his staff of five reviewers screened the comic books of all CMAA members (all but two publishers joined) before publication, ordering changes of panels the staff felt were too violent or too sexually suggestive. The office reviewed nearly 300 comic book pages a day. Only publishers who made the required changes could place the organization's "Seal of Approval" on the covers of their comics. Without that seal, newsstand distributors would not distribute their comic books.

The 1954 code would govern the content of comic books for the next seventeen years. It was not until changing social attitudes, combined with an ever-shrinking market, would force the comic book industry to rewrite the comics code in 1971. Substantial changes would not be made to the code until the late 1980s. Clearly, any study of censorship would be incomplete without including the history of censorship in the comic book industry.

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Censoring Comics: The Implementation and Enforcement of the 1954 Comics Code

The history of censorship of the mass media has traditionally focused on print journalism or on film, with occasional forays into obscenity and pornography. One area of research that has been neglected is the history of comic book censorship. The regulations that restrict the content of comic books were adopted nearly forty years ago and are still in effect today. This paper examines the implementation and early enforcement of the self-regulatory code imposed by the comic book industry in 1954.

The modern comic book, often considered the vulgar step-child of the magazine publishing industry, was born in the Depression years, making its debut on newsstands in 1934. The first comic book, *Famous Funnies*, initially lost money, but within a year it was bringing Eastern Color Printing Company profits of $30,000 a month.[1] Although at first many publishers and distributors considered them a novelty item, comic books established themselves in mid-1938 with the introduction of Superman, the best-known and oldest of the comic book characters to get their start in the years before World War II. The success of the Superman character and the superheroes that soon followed guaranteed the survival of the new medium. Comic book historian Mike Benton writes, "From 1938 to 1945, the comic book industry went from a few shoestring publishers and printers to becoming the most popular producer of reading material in history for

children and young adults."[2]

The end of the war led to a change in public taste, and comic books with superheroes were no longer selling as well. Historian William Savage observes that when the superheroes returned to crime fighting after the war, it was anti-climactic: "Who needed a superman when we, with our atomic bombs, had become supermen?"[3] As the superhero fell out of favor, the publishers dropped the unsuccessful titles and tried different genres. Many publishers returned to the tried-and-true formulas that had served them so well when they were publishing the pulps -- detective stories, crime and horror. This shift brought the industry increased sales, but along with it came some unwelcome attention from certain segments of the public who were beginning to take a second look at this new medium.

One of the leading critics of comic books in the postwar period was Dr. Fredric Wertham, a New York psychiatrist with impressive credentials. In the mid-1940s, he began to study juvenile delinquency. His subjects came from a cross-section of children he saw at his clinics, children referred to him from public and private child-care agencies and by the courts, and ones he saw in his private practice. He began to notice that many, if not all, of the young offenders spent an inordinate amount of time reading comic books, and he took a closer look at the content of those comics. Although comic books were not the sole cause of juvenile delinquency, Wertham became convinced that the graphic violence found in the pages of the so-called "funny

books" desensitized children to violence and actually taught them methods for committing crimes.[4] He made the findings of his study public in 1948 in a symposium he organized for the Association for the Advancement of Psychotherapy held March 19 titled "The Psychopathology of Comic Books." His research on comic books reached the popular audience in an article published in the March 27 issue of *Collier's* titled "Horror in the Nursery" and an article he wrote for May 29 issue of *Saturday Review of Literature*, "The Comics ... "Very Funny."[5] Letters to Wertham poured into the offices, many of them offering help or advice for a national movement to get comic books off the shelves. It also triggered police action against comic books in more than fifty cities.[6]

The comic book industry responded by announcing July 1 that it had adopted a regulatory code similar to that of the film industry to be enforced by the industry's trade association, the Association of Comics Magazine Publishers formed the year before. The six-point code forbid nudity, portrayal of methods of committing a crime, scenes of sadistic torture, obscenity, humorous treatment of divorce, and ridicule of religious or racial groups. Originally the ACMP screened comics before they were printed; however, after about two years, the defections from the organization made it financially impossible to maintain a staff for pre-publication review. Some publishers left because they objected to the code, others because of the cost of belonging to the organization. Henry Schultz, the attorney for

the organization, noted that the highly competitive publishers found it difficult to cooperate to create the strong organization needed for enforcement of the code.[7]

The 1948 comics code proved ineffective in curbing the excesses of the industry, and Wertham and others continued to press for government regulation of the comic book industry. In 1949, the New York Legislature formed a committee to investigate the industry. Although New York Governor Thomas Dewey vetoed a bill that would have made publishing crime comics illegal on the grounds it was unconstitutional, the committee continued its work through the early 1950s.[8] Wertham also persuaded Senator Estes Kefauver to take a closer look at the comic book industry as part of the Senate's investigation into organized crime. The results failed to provide strong evidence of a relationship between comic books and delinquency, and the Kefauver committee dropped its inquiry into comic books.[9]

Discouraged by the failure of lawmakers to take action, Wertham began collecting his articles and lectures on the effects of mass media violence into a book-length study and Reinhart and Company agreed to publish it. The book was originally called *All Our Innocents*, but Wertham's editors changed the title to the more evocative *Seduction of the Innocent*.[10] The book would not be published until spring 1954, but excerpts were printed in the November 1953 issue of *Ladies' Home Journal* in an article titled "What Parents Don't Know About Comic Books."[11] The appearance of Wertham's article coincided with the announcement that the

Senate was appointing a special committee to investigate juvenile delinquency to be headed by Senator Robert Hendrickson. Thousands of people wrote to Hendrickson, urging the committee to look at the effects of comic books. As a result, the Senate Subcommittee on Juvenile Delinquency chose to begin its study of the links between mass media and juvenile delinquency with an investigation of the comic book industry. The hearings were set for April 21 and 22, 1954. At the conclusion of two days of testimony, the committee set a third day of hearings for June 4.[12]

The committee heard the testimony of twenty-two witnesses, but the undisputed "stars" of the hearing were Wertham and William Gaines, publisher of Entertaining Comics, a company that had received a great deal of criticism for its line of crime and horror comics. Wertham illustrated his presentation with examples from the various horror comics, many of them published by Gaines. He restated his belief that comic books were an important factor in juvenile delinquency and called upon the senators to pass legislation that would prohibit the sale of comic books to children under fifteen.[13] Gaines followed Wertham. During the questioning, the chief counsel for the committee, Herbert Hannoch, asked Gaines: "You think it does them [children] any good to read these things?" to which Gaines replied, "I don't think it does them a bit of good, but I don't think it does them a bit of harm, either." Then Herbert Beaser, Hannoch's assistant, asked Gaines: "Is there any limit you can

think of that you would not put in a magazine because you thought a child should not see or read about it?" Gaines relied, "My only limits are bounds of good taste, what I consider good taste."[14]

With that statement, Gaines set himself up for what would be the most widely reported exchange of the hearings. Senator Kefauver joined the fray, holding aloft a cover of *Crime SuspenStories* and remarking: "This seems to be a man with a bloody ax holding a woman's head up which has been severed from her body. Do you think that is in good taste?" Gaines had little choice but to answer: "Yes, sir; I do, for the cover of a horror comic." He explained, "A cover in bad taste, for example, might be defined as holding the head a little higher so that the neck could be seen dripping blood from it and moving the body over a little further so that the neck of the body could be seen to be bloody." He was actually describing the cover as the artist had originally submitted it, and he had decided it was a little too gory.[15] Kefauver observed, "You have blood coming out of her mouth," and Gaines admitted, "A little." Kefauver then added, "Here is blood on the ax. I think most adults are shocked by that." He held up another cover and asked Gaines if that, too, was in good taste. Senator Thomas Hennings cut off the demonstration by remarking, "I don't think it is really the function of our committee to argue with this gentleman. I believe that he has given us about the sum and substance of his philosophy."[16]

That testimony signaled the turning point in the hearings. Maria Reidelbach, in her history of *MAD* magazine, noted: "Public sentiment turned decisively against the young publisher, as television and print news reports widely quoted the severed head exchange."[17] The front page story in the *New York Times* focused on that part of the hearings and carried the headline: "No Harm in Horror, Comics Issuer Says."[18]

Spurred by the publication of Wertham's book and the negative publicity resulting from the Senate hearings, the comic book publishers began to discuss ways in which to counter the charges being made about comic books. They set to work on a self-regulatory code they hoped would appease critics and derail efforts to get legislation passed to regulate comic book content. In an early meeting, the consensus was that the horror and terror books would have to be sacrificed as proof that the industry meant business.[19]

The publishers held an organizational meeting August 17, 1954, at the Biltmore Hotel in New York. Thirty-eight publishers, engravers, printers and distributors attended. Elliott Caplin of Toby Press acted as chairman of the meeting, stressing that time was of the essence since government officials, citizen committees and newspapers all over the country were talking about the comic book industry. John Goldwater, publisher of Archie Comics, reported on the activities of the Special Committee on Organization. That committee recommended that the association be empowered to establish and enforce a code

governing the industry in both editorial and advertising content of comics magazines; that a symbol or seal be designed; and that a public relations campaign be undertaken to inform the public, the wholesalers and the newsstand dealers about the new steps taken for self-regulation. Those recommendations would be incorporated into the bylaws of the new organization, called the Comics Magazine Association of America.[20]

Those attending the organizational meeting discussed establishing a $200,000 budget, with half of that allotted to public relations efforts. A fee schedule, based on the number of titles each company published, printed or distributed, was presented.

A code had already been drafted by members of the Organizational Committee, with the assistance of the public relations firm of Ruder and Finn. It was modeled after the Film Production Code, and sections of the proposed comics code were actually lifted word-for-word from the film code. The CMAA decided not to announce the code until the organization had a chance to select a code administrator. The publishers felt that individual chosen should have an opportunity to review the code and make recommendations. Those attending the meeting approved establishing a code and agreed to eliminate horror and terror comics completely. In addition, they agreed that although crime comics would not be eliminated, special consideration should be given in the code to the format of crime comics.

Taking their cues from what had proved successful for the

film industry, the comic book industry sought a "czar" with the proper credentials to administer their new code. Leo Holland of the Independent News Company, a distributor subsidiary of National Comics, made the announcement August 21, 1954, that the comic book industry would soon appoint an individual to oversee the industry, noting that the office would be modeled after Hollywood's self-censoring office.[21] The logical choice was Dr. Fredric Wertham, but Wertham turned the job down.[22] On September 16, the industry appointed Judge Charles F. Murphy. He signed a two-year contract with an annual salary of $17,000.[23] He would take his post October 1. The publishers also promised a code would be completed by November 15.[24]

Prior to taking the job as comics code administrator, Murphy had served for nine years as a New York City Magistrate. He was active in a number of programs aimed at preventing juvenile delinquency. Murphy, 44, was married and had three children. He said of his job: "I have been given a free hand by the Association to act and make decisions in the public interest. I am using this free hand forcefully." About the code, he commented, "It is, I assure you, the strongest code of ethics ever adopted by a mass media industry and incorporates recommendations made from all quarters."[25] Although the comic book publishers may have intended Murphy to be nothing more than a figurehead -- one industry representative called him "a not very-bright political hack who was selected mostly because of his religious faith [Catholic]" -- Murphy took the job very

seriously. His zeal was one reason that his contract was not renewed by the association at the end of two years.[26]

Support for the new organization was not unanimous in the industry. Dell Comics, whose sales totaled about 32 percent of all comics sold, refused to join. Dell publisher George Delacorte explained that Dell had resigned from the earlier association because members refused to adhere to a strict code, and he saw no need for his company, which did not publish questionable comics, to join the new organization.[27] Instead, Dell Comics launched a "Pledge to Parents" campaign. Beginning March 1955, the pledge would be printed on all comics published by Dell and would read:

> The Dell trademark is, and always has been, a positive guarantee that the comic magazine bearing it contains only clean and wholesome juvenile entertainment. The Dell code eliminates entirely, rather than regulates, objectionable material. That's why when your child buys a Dell Comic you can be sure it contains only good fun. "Dell comics are good comics" is our credo and our constant goal.[28]

Another publisher who refused to join was Gilbertson Publications, which published *Classics Illustrated*. The publishers maintained their adaptations of literary classics were not comic books. The third publisher who initially did not join the association was William Gaines, who tried to continue to distribute comic books without the association seal. He did discontinue his horror line, issuing six new titles he called his "New Direction" comics. But the wholesalers would not handle the material; it was simply returned, often with bundles of comics

the reviewers, along with poor sales on the new titles, drove the EC publisher out of the comic book business entirely in 1955.

The publishers who supported the CMAA abided by the system of pre-publication review set up by the Comics Code Authority, the title of the office Judge Murphy presided over. The entire contents of a comic book had to pass through the office before it could be printed. All comic books approved by Murphy's office were entitled to publish the "Seal of Approval" on their cover. The code itself consisted of two main parts, one governing editorial content and the other dealing with advertising content. Since crime and horror comics were the primary target of the critics, the bulk of the code dealt with these subjects. The CMAA code also prohibited the use of obscenity and profanity, ridicule of religious or racial groups, and nudity and contained guidelines for dealing with the topics of marriage and sex.*

At the beginning, the code was administered by Murphy and five reviewers, all women. The five included: Sue Flynn, a graduate of Manhattanville College of the Sacred Heart and a government publicist for thirteen years with the Department of Agriculture and the Voice of America; Marj McGill, a recent graduate of Albertus Magnus College who had done social work while going to college and who had specialized in juvenile delinquency; Esther L. Moscow, librarian and researcher; Dr. Joan Thellusson Nourse, professor in the Department of English at

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*For the complete text of the code, see the appendix.

Hunter College and a lecturer and writer on the theater; and Dene Reed, a woman's magazine editor and radio writer who had served as assistant editor in the story department in Metro-Goldwyn-Mayer for a number of years.[29]

In a press conference held in December 1954, Murphy said that the staff had excised more than 5,656 drawings and rejected 126 stories during the short time the code had been in effect. The staff examined artist's sketches and suggested changes to de-emphasize terror and violence and edited the word balloons in order to delete sexy innuendoes and unnecessarily strong language. Murphy told reporters that more than a quarter of the changes involved reducing "feminine curves to more natural dimensions" and having clothing cover "a respectable amount of the female body." [30]

Material was submitted on "boards," the original drawings that were completed before plates or engravings were made for publication. If a page was approved, it was stamped by the reviewer. If not, it was returned to the publisher with a list of corrections to be made. Pages were photographed to ensure that changes were not made by publishers once the artwork left the code office. The reviewers examined an average of nine comic books a day, a total of more than 260 pages.[31]

While testifying before a hearing conducted in February 1955 by the New York legislative committee that had been studying comic books since 1949, Murphy described his job as "a time consuming, back-breaking, ulcer-producing, artery-hardening job.

I hope I can last out the two years of my contract."[32] He explained that rather than hiring editors, artists and writers who were familiar with comic book techniques, he felt that choosing reviewers who were not "steeped in the habits and traditions of the old comic book technique" would enable the reviewers to bring a fresh approach to the job. He interviewed more than 100 individuals for the job, and selected five women "because I felt that they [women] were more sensitive to the situation."[33]

Murphy showed the New York committee examples of the types of material rejected by the staff. In one adventure story, a drawing of a woman carrying a spear was changed; in the final version, the spear was taken out. In another, a hunter in the jungle is surrounded by lions, with the mouth of the lion "predominant." That drawing of the lion was replaced because the staff thought it was too ferocious, "and you have now the Metro-Goldwyn-Mayer reproduction, the smiling lion." In another story, a bony hand lifting a chess piece was thought to be too gruesome, and the hand was changed to "the ordinary hand as we know it." Comic book westerns were also modified. In one panel, a character was being kicked. The staff required the publisher to remove that panel. In another, a drawing showing a man with an arrow through him was deleted, since the code was interpreted to mean that arrows, hatchets or bullets are not to be shown piercing the body.[34]

By the end of 1955, the association was struggling

financially. Attorney Henry Schultz volunteered to take a reduction in his salary, and the association proposed eliminating one of the five staff reviewers, although Murphy was opposed to that move, asserting that it would cut into the time he had available for public relations work. The budget approved for 1956 was just $104,200.[35] Murphy chaffed at the budget restrictions, and he reminded the committee that he had been promised autonomy to run the Comics Code Authority office. The publishers replied that Murphy would have to work within the CMAA's budget.[36] Conflicts over the enforcement of the code, coupled with Murphy's frustration with his budget limitations and complaints from the publishers that he was not returning artwork in a timely manner, led to Murphy's decision to leave the CMAA. He announced his intentions to CMAA President John Goldwater in a letter dated May 9, 1956, stating that he would be returning to private law practice when his contact expired in October. The move came as a surprise to the CMAA directors, but Murphy would not be dissuaded.[37] In June, the board authorized a search for a new code administrator.

Mrs. Guy Percy Trulock was hired to replace Judge Murphy. Trulock had served as president of the New York City Federation of Women's Clubs, an organization of more than 500 women's clubs with 250,000 members, and was also vice president of the Women's Press Club. The association noted that she brought to the code administrator's job "a wealth of experience in civic and community activities and of demonstrated qualities of leadership

in numerous projects of benefit to the public."[38] Trulock continued as code administrator until she resigned due to health reasons on Sept. 3, 1965.[39] After that, her duties were performed by the executive director of the association, Leonard Darvin, and he was officially appointed as code administrator by the board of directors on October 11, 1965.[40]

The comics code established in 1954 would govern the content of comic books for the next seventeen years. It was not until changing social attitudes, combined with an ever-shrinking market, would force the comic book industry to rewrite the comics code in 1971. Substantial changes would not be made to the code until the late 1980s. Although the code was implemented in 1954, the impact of the code was not felt until 1955 and 1956, since most of the comic books on the newsstands in early 1955 were actually created prior to the implementation of the code. But gradually the type of comic book that had caused so much trouble for the industry disappeared, and what remained at the end of the 1950s were romance, teen and funny animal comics.

The CMAA code controlled the content of all comic books until the late 1970s, when changes in distribution and the addition of small "independent" companies heralded a major change in the comic book industry. Prior to the 1970s, all comic books were distributed through newsstand distributors who handled magazine distribution. Comic books companies shipped their comics to national distributors, who had a network of wholesalers and retailers throughout the country. But in the late 1970s,

there was a rise in the number of specialty shops that handled only comic books and comics-related merchandise. The store owners approached the comic book publishers and negotiated for a different form of distribution. Rather than getting their comic books through the national distribution companies, these specialty shops began to purchase comics directly from the publishers at a substantially lower price per copy, since the "middlemen" distributors were eliminated. This system is known as "direct-market distribution."

This change in distribution resulted in two additional developments that would have tremendous impact on the industry. First, it meant that small "independent" publishers could enter the field. Because orders were solicited from specialty shop retailers even before the comic books were published, the risk involved in publishing comic books was substantially reduced. Comic books that failed to "pre-sell" were never printed. And because the direct market bypassed the newsstand dealers, that meant that comic books did not have to carry the CMAA Seal of Approval. Independent comic book publishers could offer material with more violence and sex than the traditional newsstand comic. Second, the development of the direct market system meant that for the first time, back issues of comic books were available, since retailers did not return unsold copies to the publishers. This led to a growth in the collector's market and enhanced the development of a fan culture that had begun to spring up among comic book consumers. This fan culture, supported by the network

of retail shops and a number of yearly conventions geared towards the collector, has come to dominate the market for comic books.

The ability of comic book publishers to bypass the self-regulatory code of the CMAA and publish titles that have adult themes and contain graphic violence and/or sex has created a whole new set of censorship problems, however. Some of these new "adult" titles have become the target of law enforcement officials who are prosecuting retailers under obscenity statutes. The case that has received the most attention and generated the most alarm within the industry was the prosecution of Michael Correa, a sales clerk at a comic book store in Lansing, Illinois. Correa was charged with intent to disseminate obscene material under Illinois law. He was found guilty in a decision handed down in January 1988, although that decision was overturned by the First District Appellate Court in November 1989.[41]

The original complaint against Correa stated that plain clothes officers were in Friendly Frank's [the comic book store] and observed youths reading adult material. Officers then returned to the store and purchased several adult publications. Four of those were judged to be obscene in the lower court decision: *The Bodyssey, Weirdo, Bizarre Sex* and *Omaha the Cat Dancer*. The conviction was overturned because the appellate court judges ruled that the comic books, while perhaps in exceedingly bad taste, did not constitute hard-core obscenity.[42]

There are some who would argue that the comic book industry

has come full circle. Commented one critic: "In many ways, the comics industry seems to be playing with the same fire that nearly destroyed it in the early 1950s."[43]

It is difficult to draw any conclusions from this brief examination of the history of comic book censorship since it is divorced from the broader social and cultural history necessary to understand what motivates a society to censor what individuals may read, listen to or watch. But what is clear is that any study of censorship would be incomplete without including the history of censorship in the comic book industry.

Appendix: Comics Code, 1954

Code For Editorial Matter

General Standards Part A

1. Crimes shall never be presented in such a way as to create sympathy for the criminal, to promote distrust of the forces of law and justice, or to inspire others with a desire to imitate criminals.

2. No comics shall explicitly present the unique details and methods of a crime.

3. Policemen, judges, government officials and respected institutions shall never be presented in such a way as to create disrespect for established authority.

4. If crime is depicted it shall be as a sordid and unpleasant activity.

5. Criminals shall not be presented so as to be rendered glamorous or to occupy a position which creates a desire for emulation.

6. In every instance good shall triumph over evil and the criminal punished for his misdeeds.

7. Scenes of excessive violence shall be prohibited. Scenes of brutal torture, excessive and unnecessary knife and gun play, physical agony, gory and gruesome crime shall be eliminated.

8. No unique or unusual methods of concealing weapons shall be shown.

9. Instances of law enforcement officers dying as a result of a criminal's activities should be discouraged.

10. The crime of kidnapping shall never be portrayed in any detail, nor shall any profit accrue to the abductor or kidnapper. The criminal or the kidnapper must be punished in every case.

11. The letters of the word "crime" on a comics magazine cover shall never be appreciably greater in dimension than the other words contained in the title. The word "crime" shall never appear alone on a cover.

12. Restraint in the use of the word "crime" in titles or sub-titles shall be exercised.

General Standards Part B

1. No comics magazine shall use the word horror or terror in its title.

2. All scenes of horror, excessive bloodshed, gory or gruesome crimes, depravity, lust, sadism, masochism shall not be permitted.

3. All lurid, unsavory, gruesome illustrations shall be eliminated.

4. Inclusion of stories dealing with evil shall be used or shall be published only where the intent is to illustrate a moral issue and in no case shall evil be presented alluringly nor as to injure the sensibilities of the reader.

5. Scenes dealing with, or instruments associated with walking dead, torture, vampires and vampirism, ghouls, cannibalism and werewolfism are prohibited.

General Standards Part C

All elements or techniques not specifically mentioned herein, but which are contrary to the spirit and intent of the Code, and are considered violations of good taste or decency, shall be prohibited.

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Dialogue

1. Profanity, obscenity, smut, vulgarity, or words or symbols which have acquired undesirable meanings are forbidden.

2. Special precautions to avoid references to physical afflictions or deformities shall be taken.

3. Although slang and colloquialisms are acceptable, excessive use should be discouraged and wherever possible good grammar shall be employed.

Religion

1. Ridicule or attack on any religious or racial group is never permissible.

Costume

1. Nudity in any form is prohibited, as is indecent or undue exposure.

2. Suggestive and salacious illustration or suggestive posture is unacceptable.

3. All characters shall be depicted in dress reasonably acceptable to society.

4. Females shall be drawn realistically without exaggeration of any physical qualities.

Note: It should be recognized that all prohibitions dealing with costume, dialogue or artwork apply as specifically to the cover of a comic magazine as they do to the contents.

Marriage and Sex

1. Divorce shall not be treated humorously nor represented as desirable.

2. Illicit sex relations are neither to be hinted at or portrayed. Violent love scenes as well as sexual abnormalities are unacceptable.

3. Respect for parents, the moral code, and for honorable behavior shall be fostered. A sympathetic understanding of the problems of love is not a license for morbid distortion.

4. The treatment of love-romance stories shall emphasize the value of the home and the sanctity of marriage.

5. Passion or romantic interest shall never be treated in such a way as to stimulate the lower and baser emotions.

6. Seduction and rape shall never be shown or suggested.

7. Sex perversion or any inference to same is strictly forbidden.

Code For Advertising Matter

These regulations are applicable to all magazines published by members of the Comics Magazine Association of America, Inc. Good taste shall be the guiding principle in the acceptance of advertising.

1. Liquor and tobacco advertising is not acceptable.

2. Advertising of sex or sex instruction books are unacceptable.

3. The sale of picture postcards, "pin-ups," "art studies," or any other reproduction of nude or semi-nude figures is prohibited.

4. Advertising for the sale of knives, or realistic gun facsimiles is prohibited.

6. Advertising dealing with the sale of gambling equipment or printed matter dealing with gambling shall not be accepted.

7. Nudity with meretricious purpose and salacious postures shall not be permitted in the advertising of any product; clothed figures shall never be presented in such a way as to be offensive or contrary to good taste or morals.

8. To the best of his ability, each publisher shall ascertain that all statements made in advertisements conform to fact and avoid misrepresentation.

9. Advertisement of medical, health, or toiletry products of questionable nature are to be rejected. Advertisements for medical, health or toiletry products endorsed by the American Medical Association, or the American Dental Association, shall be deemed acceptable if they conform with all other conditions of the Advertising Code.

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3. William W. Savage, *Comic Books and America, 1945-1954* (Norman, Okla.: University of Oklahoma Press, 1990), 13.

4. James Gilbert, *A Cycle of Outrage: America's Reaction to the Juvenile Delinquent in the 1950s* (New York: Oxford University Press, 1986), 45.

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7. Hearings Before the Senate Subcommittee to Investigate Juvenile Delinquency, *Juvenile Delinquency (Comic Books)*, 83rd Cong., 2nd sess, 21 April 1954, 70-71.

8. New York State Joint Legislative Committee to Study the Publication of Comics, *Report*, March 1951, 7-8; Thomas Dewey, Memorandum filed with Senate Bill Introductory Number 1962, Printed Number 2939, 16 April 1949, Governor's Bill Jacket Veto #117, New York State Archives, Albany, New York.

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11. See: Fredric Wertham, "What Parents Don't Know About Comics," *Ladies' Home Journal*, November 1953.

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14. Ibid., 102-103.

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18. Peter Kihss, "No Harm in Horror, Comic Issuer Says," *New York Times*, 22 April 1954, p. 1, col. 1.

19. Reidelbach, *Completely MAD*, 30.

20. Minutes of Organizational Meeting, 17 August 1954, files of the Comics Magazine Association of America, New York, New York.

21. "Comics Publisher Seek 'Czar' to Censor Books," *New York Times*, 21 August 1954, p. 19, col. 4.

22. Gilbert, *Cycle of Outrage*, 107.

23. Letter from John Goldwater to Judge Charles Murphy, 1 October 1954, files of the Comics Magazine Association of America, New York, New York.

24. Emma Harrison, "Magistrate is Made Comics 'Czar'," *New York Times*, 17 September 1954, p. 1, col. 3.

25. Comics Magazine Association of America, "Judge Charles F. Murphy," *Fact Kit*, n.d.

26. Gilbert, *Cycle of Outrage*, 107; Interview with John Goldwater, former president Comics Magazine Association of America, 29 July 1992, New York, New York.

27. Hearings of the New York Joint Legislative Committee to Study the Publication of Comics, 4 February 1955, 90-91.

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29. "Comic 'Czar' Invites Newspaper Compliance," *Editor and Publisher*, 5 January 1955, 47; Hearings, New York Joint Legislative Committee, 4 February 1955, 27-28.

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31. Comics Magazine Association of America, "Facts about the Comics Code," *Fact Kit*, n.d.

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THE MEDIA POOL SYSTEM -A LEGAL AND POLICY HISTORY

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ABSTRACT: THE MEDIA POOL SYSTEM -A LEGAL AND POLICY HISTORY

The purpose of this paper is to study the development of the Department of Defense National Media Pool and the rules of access which govern battlefield theaters. This is done from a legal and policy point of view in order not only to demonstrate the underlying thoughts behind the use of the pool system, but also to see how government and the media deal with the shortcomings of the system.

The paper deals with three recent conflicts: Grenada, Panama, and the Persian Gulf War. Grenada involved the use of a total press ban during the operation, which prompted fierce media opposition and a lawsuit, Flynt v. Weinberger. The case failed to produce any substantial changes, but the outcry prompted the formation of the Sidle Committee, whose report provided the basis for the formation of the DoD National Media pool.

The first real use of the pool was during the Panama invasion of 1989. The pool's use was described as "maladroit" and "a fiasco." No lawsuits developed, but a review was launched. The Hoffman Report suggested a number of changes, but only minor ones were immediately accepted by the DoD.

The Persian Gulf War saw the use of the pool system twice. The initial development of ground forces was followed by the use of the pool, which later dissolved. When hostilities broke, the pools were reformed, much to the chagrin of the media, who complained about the access rules. Several magazines sued to allow unilateral media coverage. Nation v. DoD also failed to produce any changes.

THE MEDIA POOL SYSTEM -A LEGAL AND POLICY HISTORY

"A popular Government, without popular information, or a means of acquiring it, is but a Prologue to a Farce or a Tragedy, or perhaps both." -James Madison

The recent Persian Gulf War saw the media become quite upset with the use of battlefield press pools controlled by the U.S. military. They claimed that such pools were tantamount to censorship. But if the pools were a form of censorship, then what of the First Amendment and the right of free press? This paper studies the development of the pool system from the Grenada invasion of 1983 to the recent conflict in the Persian Gulf in the context of legal challenges to the military's supervision of the media. The paper covers Grenada, Panama, and the Persian Gulf, as well as the policy recommendations which came after each one and the legal challenges on record to access restrictions on the battlefield.

The purpose of framing this study in this mode is primarily for policy analysis. The government is frequently reluctant to make change unless it is either popularly mandated or else legally mandated. If it could be shown that the media has been successful in challenging military access restrictions, the government could analyze what aspects of those restrictions were objectionable and avoid them in the future. If such challenges were largely unsuccessful, on the other hand, the media might be able to analyze how their reasoning regarding access rights has come up short, and alter that strategy if need be. The inclusion of recommendations is two-fold. First, each set represents stages in the development of the press pools. Second, the existence of these recommendations as official reviews of military policy gave the courts justification to pursue the path of

jurisprudence which has come down to the present. This path, it will be argued, has been one of deference to military operations and considerations.[1]

GRENADA, FLYNT, AND THE SIDLE PANEL REPORT

Such an opportunity came in October 1983 with the Grenada invasion.[2] President Ronald Reagan, fearing a build-up of armed Communists on the island nation, ordered the U.S. military onto the island with the purpose of rescuing American citizens and also of deposing the government then in power. The secret invasion took place without prior notice being given to the media. That in itself was not too unusual -such a revelation would by nature be a severe breach of security- but what was unusual was that the press were not allowed onto the island at all. A total press ban had been put into effect; no reporters were allowed onto the island either with U.S. troops or on their own.

The ban was successful in keeping out the media. A boatload of reporters attempting to gain access to the island were fired upon by the U.S. Navy and taken into custody aboard a warship. When the fighting died down on October 27, a planeload of reporters -the first pool- was airlifted into Grenada by the military, but access was still denied to the throng of reporters who had by that point gathered on the nearby island of Barbados. It was not until the main airport on Grenada re-opened on November 7 that the ban was lifted and the press was allowed universal access to the scene.[3] Press reaction was negative. Said one

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[1] Note: A substantial portion of the materials gathered during research for this paper are found, either in "original" or reprinted form, in Pentagon Rules on Media Access to the Persian Gulf War: Hearings before the Committee on Government Affairs, United States Senate, 102d Congress, 1st Session, February 20, 1991. For the sake of clarity, those sources which were discovered in the record will have at the end of their citations the notation PR (for Pentagon Rules) , followed by the pages where they can be found therein.

[2] For a brief history of U.S. military restrictions prior to Grenada, see Harold C. Relyea, Federal Regulation of the Press in Military Operations: A Brief Chronology of Developments and Related Policy Actions, 1725-1991 (Washington: Congressional Research Service, 1991). PR, pp. 1103-20. See also Jack A. Gottschalk, " 'Consistent with Security'...A History of American Military Press Censorship," Communications and the Law, vol. 5, Summer 1983, pp. 35-52. Also see Phillip Knightley, The First Casualty (New York: Harcourt Brace Jovanovich, 1975).

[3] This is, more or less, the "official" account given as background to the case of Flynt v. Weinberger (1984; see footnote 3). Additional information may be found in the background paper written by Peter Braestrup which accompanies Battle Lines: Report of the Twentieth Century Fund Task Force on the

managing editor of a major daily newspaper in the U.S., "I'm outraged."[4] "Intolerable" was the word used by Jerry Friedham, executive vice president of the American Newspaper Publishers Association.[5]

However, despite the brave rhetoric of major media outlets, only one lawsuit was filed in response to the press ban. Larry Flynt, publisher of Hustler magazine and longtime First Amendment proponent, filed suit seeking both declaratory and injunctive relief from the Defense Department. Flynt asked that the ban on press travel to Grenada be lifted forthwith and that future efforts to entirely ban the press be barred. Flynt v. Weinberger proved to be of no help to Mr. Flynt's campaign for greater First Amendment access rights.[6]

The district court for the District of Columbia, under Judge Oliver Gasch, dismissed the case for mootness.[7] Within 48 hours of the invasion, a pool of reporters was flown in by the military to Grenada and the press travel ban was lifted. The case for injunctive relief, therefore, had been rendered academic. Despite plaintiff's contentions that the press ban had only voluntarily been lifted -thus implying a fixed policy of press exclusion from military operations- Judge Gasch found that "[t]here is nothing in the record suggesting that the government has formulated a fixed policy of excluding the press from military operations..."[8] The question of future situations, which was addressed by Flynt's complaint in its prayer for declaratory relief, was only with slight difficulty dismissed by the court as moot. Noting that the case wording strictly concerned the situation in Grenada, Judge Gasch stipulated that "[a declaratory] injunction...would limit the range of options

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Military and the Media (New York: Priority Press Publications, 1985), pp. 19-21 (hereafter Battle Lines). (PR, pp. 1086-7)

4 Howard Simons (of The Washington Post). See id., p. 20 (PR, p. 1087). (Original cite omitted.)

5 Id.

6 588 F.Supp. 57 (1984). The original case was not adjudicated until June 24, 1984, long after the cessation of hostilities.

7 The case for mootness was more than a prima facie issue of whether or not the operation in Grenada continued to the moment. The issue involved a situation that would prove important to the next case involving battlefield constraints -"capability of repetition yet evading review." A situation, though facially mute, may be adjudicated provided that "(1) the challenged action was in its duration too short to be fully litigated prior to its cessation...and (2) there [is] a reasonable expectation that the same complaining party would be subjected to the same action again." Id. at 59 (original citations omitted; emphasis added).

8 Id. at 61.

available to the commanders in the field in the future, possibly jeopardizing the success of military operations and the lives of military personnel and thereby gravely damaging the national interest."[9] Also, given the infrequency of press bans at the time -this was the first such case in U.S. history of a total ban- the court was "unable to detect a 'demonstrated probability' that a press ban to which plaintiffs will object will be imposed in the foreseeable future."[10] The case was dismissed with prejudice against the plaintiff's case.

On appeal, the appellate court declared that "because appellant's complaint seeks declaratory judgment [which would be of value in future cases] solely with respect to the constitutionality of the press ban in Grenada, the issues raised by this complaint [were] no longer 'live'." The remedy to this objection -the doctrine of "capable of repetition yet evading review"- was not viewed by the court as applying to the case at hand: "[T]here is no 'reasonable expectation' that the Grenada controversy will recur"[11] The prospect for a precedent establishing press access was therefore lost in the wording of the complaint. The appellant court chose to agree with the district court's holdings concerning the possibility of issuing an injunction against press bans in the future. However, it did remand the case to the district level with the instructions to dismiss the case without precedence, as no process of pre-trial discovery had been held, thus precluding Judge Gasch's finding relative to the underlying merits from having any validity.

In the face of harsh media criticism of the Grenada operation (despite public support for the press ban in that situation[12]) military authorities initiated their own investigation. Their efforts to review the situation would seem to indicate that at least a facial attempt to maintain good relations with the press would be pursued after the Grenada debacle. At the request of Army Chair General John Vessey , a committee of military and civilian press experts convened in February 1984 to discuss ways of allowing the press access to military

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[9] Id. at 60.
[10] Id. at 58-9.
[11] 762 F.2ed 135, 135 (1985). (Emphasis added. The opinion was per curiam.)
[12] Battle Lines, p. 20 (original cite omitted). (PR, p. 1087.)

operations such as took place in Grenada. This committee, headed by retired Major General Winant Sidle (and by whose name the Panel was known), had the full cooperation of major media organs, although they declined to actively sit on the panel; they considered such an action to be "inappropriate."[13]

The Sidle Panel came out with several recommendations regarding the future handling of press access to remote military operations. The most significant recommendation in terms of future conditions was Recommendation Two:

> When it becomes apparent [during operational planning] that news media pooling provides the only feasible means of providing the media with early access to an operation, planning should provide for the largest possible press poll that is practical and minimize the length of time the pool will be necessary before "full coverage" is feasible.[14]

The comments by the civilian members of the panel to this recommendation revealed much about future concerns of the major media organs. Media representatives were opposed in principle to any type of pool system, but if the circumstances would not permit any other kind of access, they would accede to military pool requirements. However, the Department of Defense would only be allowed to select which organizations would be included. The actual choice of individuals was to be left to the respective press agencies, thus giving them better control over coverage. Above all else, the civilian members of the panel expressed the opinion that a quick and timely termination of the pool system be maintained in all cases where the pool was used. The military members of the panel were not quite so enthusiastic about this stipulation and argued (as General Sidle pointed out several times elsewhere in the report) that such a determination could only be made on a case-by-case basis.[15]

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11 Report by CJCS Media-Military Relations Panel (Sidle Panel), August 23, 1984, p. ii; (PR,p.805)
14 Sidle Panel, p. 4. (PR, p. 808.)
15 Id. p. 8. (PR, p. 812.)

PANAMA AND THE HOFFMAN REPORT

It was the Sidle Report that gave impetus to the 1985 formation of the Department of Defense National Media Pool. The pool was designed to operate on a rotational basis, with members circulating on and off the "list." In the event of a military operation where press coverage was otherwise impossible, the pool was to be mobilized and flown out at the earliest possible opportunity. The pool was designed with the Sidle Report recommendations in mind. While the Pentagon picked the organizations to be involved with the pool, individual slots were filled by the organizations themselves. Timely use of the pool was promised. Furthermore, the Pentagon said that the pool system was designed as a "first-phase" arrangement, implying that as an operation matured, the pool system would be replaced by some other arrangement. [16]

The first real test of the pool system "under fire" came during Operation Just Cause in 1989, when U.S. forces intervened in Panama to force the ouster and capture of Panamanian General Manuel Noriega.[17] The DoD pool in Washington was activated and flown to Panama City hours after the fighting broke out. When the pool arrived, the heavy fighting around Rio Hato and Patilla had largely ceased. However, the pool was not allowed to cover the combat still taking place near the Commandancia, presumably out of concern for the reporters' own safety. In the end, the pool system broke down as organizations such as Cable News Network began to file reports using their own equipment, bypassing the use of military wire services. The operation was later characterized as a "fiasco." [18] The media outcry over Panama was severe enough to

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[16] A rough description of the pool system was given by Pete Williams, Assistant Secretary of Defense for Public Affairs, in his testimony before the Committee on Governmental Affairs, February 20, 1991. (PR, p. 18.)

[17] Note: the national press pool had been called out once before in a "live" military context. It was during the year-long reflagging of Kuwaiti tankers in 1987, during the Iran-Iraq war, that the pool was mobilized because of "space restrictions" on board escort ships which prevented open coverage. See Testimony of Fred S. Hoffman, PR, p. 60. The use in this instance was regarded largely as a mixed success, owing to the censorship of outgoing reports by the local commanding officer -censorship that was alleged to have taken place purely on the grounds that the reports were embarrassing to the military.

[18] See Michael Spear, "Panama: Firsthand Coverage and Secondhand Diplomacy-News Organizations Struggle with 'Pool' Format," The Washington Post, December 21, 1989, p. D1. For a representative commentary on Panama that came out during the Persian Gulf war, see, Patrick J. Sloyan, "The War You

prompt Pete Williams, assistant secretary of defense for public affairs, to ask for an investigation of the pool system as it had operated in Panama.

In March 1990 Fred S. Hoffman, a former Associated Press reporter who had also worked for the Pentagon public affairs office, released his report on the pool deployment. Overall, the exercise of the pool in this case was described largely as an example of "maladroitness."[19] The whole reason the pool was activated in this instance, Hoffman concluded, was to avoid the charge that it was not being used to cover foreign operations. Yet despite the desire to actually use the pool, the military's effort was hampered by "an excessive concern for secrecy [which] prevented the ...pool from reporting the critical opening battles."[20] Hoffman went on to directly criticize Pete Williams for failing to adequately brief Defense Secretary Richard Cheney on the consequences of a late deploying of the pool. This late deployment was a key source of press acrimony. [21]

The military's direct control over the pool was also cited as being faulty in this instance. The units on the scene had kept the pool away from actual combat sites for several hours, presumably over concerns for the safety of the pool reporters. However, "[this] concern..., while understandable, should not have been allowed to limit the pool's reporting opportunities...[to those of] essentially secondary value." [22] This point became ironic in light of the fact that reporters were already on the scene in Panama, since the Canal Zone was a U.S. possession and of sufficient interest that major media outlets maintained a presence there. Hoffman concluded that reporters from Panama (i.e. those already there) should have comprised the pool and the national pool should not have been activated:

Won't See," The Washington Post, January 13, 1991, p. C2. (PR, pp. 1206-7.) For an extremely detailed account of what the pool actually did in Panama, see the account given in the Hoffman Report (footnote 18).

19 "Report of Panama Pool Deployment: December 1989. Prepared by Fred S. Hoffman, March 1990" (The Hoffman Report), p. 3. (PR, p. 784.)

20 Id.

21 Id.

22 Id., p.1. (PR, p. 782.)

> It should be noted here that the Pentagon pool was established to enable U.S. news personnel to report the earliest possible action in a U.S. military operation in a remote area where there was no other American press presence. Panama did not fit that description.[23]

After citing the very numerous examples of how the Defense Department mismanaged the situation, Hoffman gave recommendations. Some of the minor ones, such as the resolution of difficulties on an ad-hoc basis, were approved immediately by the military. However, more substantial reforms were deferred for future consideration, which realistically implied that they would probably not be accepted. Among those reforms that came under the latter category was the recommendation that each military command (be it Pacific or Central or Northern European) spell out out measures in its operational annexes that would include media pools with the lead elements of U.S. forces in military operations. [24] By and large, most of the adopted reforms were minor. Thus, the pool system as it functioned in from Panama survived largely intact.

Interestingly enough, no legal challenges to the pool system arose from the Panama invasion. Perhaps the unsuccessful Flynt suit had had a chilling effect on media advocates. More likely, the quick breakdown and dissolution of the Panama pool precluded any lawsuits from developing. Given the relative quickness with which unilateral coverage broke out later on, it would have been difficult for any plaintiff to prove harm resulting from the use of the pool system. The next legal challenge to access restrictions would have to wait until the Persian Gulf.

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23 Id., p. 2. (PR, p. 783; emphasis in the original.)
24 Memorandum for Correspondents regarding the Hoffman Report, p. 2; PR, p. 780. For a more in-depth discussion of Panama, see the relevant section in David Freznick, "The First Amendment on the Battlefield: A Constitutional Analysis of Press Access to Military Operations in Grenada, Panama, and the Persian Gulf." Public Law Journal 23 no.2 (January 1992), pp. 315-59

THE PERSIAN GULF AND THE NATION CASE

The next opportunity for the media to confront the military in court came during the Persian Gulf War. The Pentagon had decided to fully implement the pool system with which it had experimented in Panama. Along with strict military supervision of report content and access to the front, the Department of Defense stipulated that no reporters in the American sector were allowed in forward areas without escort. Presumably this was done not only to safeguard the troops, but also to safeguard reporters themselves[25]

The Persian Gulf pool arrangement owed many of its features to the uniqueness of the military and political environment. As the Department of Defense would later note, the host nation "was reluctant to permit reporters to enter the country and was concerned about reporting of cultural sensitivities [such as religious intolerance]".[26] Saudi Arabia at first refused to issue visas to U.S. reporters during the initial build-up of ground forces in August 1990. In a compromise, the U.S. agreed to restrict the first reporters to a pool-type situation. The DoD national pool left Andrews Air Force Base on August 12. Later, however, the pool system broke down and was dissolved as the Saudi government came to terms with Western press coverage and began granting visas directly to reporters.[27]

When hostilities erupted in January 1991, however, the pools were re-instated to provide coverage of front-line troops. Reporters caught at the front lines outside of the pools faced detention, military arrest, and even revocation of their visas by the Saudi government. As Pete Williams put it, as a matter of fairness "you don't want to reward people who don't go along with [the pools], and you don't want to punish people who do."[28] This was done to facilitate coverage in a unique environment- the desert, where

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[25] For more details, see David Stebenne, "The Military and the Media," The Media at War: The Press and the Persian Gulf Conflict, Report of the Gannett Foundation (New York, 1991), pp. 16-20.

[26] Conduct of the Persian Gulf Conflict: An Interim Report to Congress, 19-1. (PR, p. 774)

[27] Testimony of Pete Williams, PR, p. 12.

[28] Transcript (prepared in the United States Senate): Teleconference Briefing on Ground Rules and Guidelines Governing Media Coverage of the Persian Gulf War, January 12, 1991, p. 32. (PR, p. 408.)

logistical concerns raised fears that unlimited media coverage would hamper the continuing operations. General Bill McClain, Chief of Public Affairs for the Army, commented:

> I'll be damned if I'm gonna tell a commander he's got to take people just because they show up. When he's got just enough seats for every trooper in his vehicle...when he's got just enough water and just enough rations and just enough medical support to take care of the people who he is responsible for. To hell with 'em. if [the press] tried to [join up unilaterally own their own] and we didn't turn them back then the next thing you know, they're gonna demand MREs [meals ready to eat], they're gonna demand water, and a commander cannot do that.[29]

As in Grenada and Panama, media reaction to the Pentagon's restrictions was extremely negative. In the records of the Pentagon Rules hearing before the U.S. Senate Committee on Governmental Affairs, 35 pages of op-ed pieces were entered as supplemental evidence for review. Of these, only one or two pieces were even faintly positive in their appraisal of the Persian Gulf situation. Most of them ran along the lines that "[the] Pentagon has won the last battle of the Vietnam War. It was fought in the sands of Saudi Arabia, and the defeated enemy was us, the media."[30] Towards the end, complaints began to surface about how the pool system failed to keep up with the liberation of Kuwait, especially when a news crew from CBS went into Kuwait City without the pool.[31] As of March 4, shortly

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[29] Id. Some reporters did attempt to go forward in unilateral fashion outside of the pools. Of these, the most noted was Bob Simon of CBS News, who was captured not by U.S. soldiers, but by Iraqis, and taken prisoner for several weeks. One reporter who was not immediately caught was Chris Hedges. See "The Unilaterals" in "War Coverage: Debriefings," Columbia Journalism Review, May/June 1991, pp. 23-37 (PR, pp. 1189-98.)

Significantly, those reporters who operated outside the pools were also subject to criticism by reporters who were operating in the pools. This may have been a result of the intense competition for pool slots and the resentment that those who were outside the pools were somehow gaining an unfair advantage - a claim echoed by those who filed suit against the government, but in reverse: to the latter, it was those in the pools who had the unfair advantage. For an analysis of the pressures regarding the pools and the use of pool reports, see Frank A. Aukofer, "The Press Collaborators," Nieman Reports, Summer 1991, pp. 24-6. (PR, pp. 1237-9.)

[30] Ron Nissen, "The Pentagon's Censors," The Washington Post, January 12, 1991, p. A21. (PR, p. 1204-5). The op-eds may be found in PR, pp. 1204-39.

[31] Guy Gugliotta, "Signs of Breakdown in Pool System," The Washington Post, February 27, 1991, p. A27. (PR, pp. 1179-80).

following the effective surrender of Iraqi forces, the pool system was disbanded and unilateral coverage was allowed.

These restrictions did not go unchallenged in the legal arena. The Nation, a prominent liberal magazine, joined with several other publications in bringing the Department of Defense to court just before Desert Shield became Desert Storm. It challenged the pool system on First Amendment grounds, arguing that because only pool reporters were allowed to "go forward", non-members' rights to gather news were infringed. The plaintiffs sought an injunction declaring the pool system unconstitutional. Thus, The Nation (magazine) v. Department of Defense, much as Flynt before it had done, sought both declaratory and injunctive relief from military regulations regarding press access.[32] Significantly, they were not contesting content-based regulation of reports. which they accepted as valid. The plaintiffs were seeking a permanent solution in broad terms; they sought a definite ban on total press bans in battlefield areas.

The government's position revolved around three basic arguments. First, when asked upon what grounds such restrictions could be justified if a First Amendment right of access existed, the government responded by saying that it did not share the view that a constitutional right of access to a military theater of operations existed, an attitude it first demonstrated in Grenada. Secondly, the government argued that Article II of the Constitution authorized the President and his subordinates to take those measures, and that in this instance Article II necessarily superseded the exercise of any First Amendment rights that might exist (which they did not, according to the first argument). Finally, the government intended to demonstrate that even if such rights did exist and even if they had been violated by the pool restrictions, no actual harm had been done, as none of the magazines and organizations involved with the complaint had apparently tried either to enter the pool or go forward unilaterally.[33]

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32 762 F.Supp. 1558 (S.D. N.Y. 1991). A description of the press regulations is briefly given at Id., 1563-5, and in the appendices attached to the case.

33 Transcript: Nation v. DoD, January 28, 1991, p. 12; PR, p. 1267.

That these organizations had not applied to become pool members became unimportant when Agence France-Presse (AFP), a French wire service, joined their suit. The history of AFP's grievance against the government extended back to August 1990 and the days of the first Saudi pool, when there were excluded from the slots given to wire service representatives.[34] By the time of the activation of the main DoD pool, the situation had not improved and AFP was still being excluded from the pool. This was in spite of attempts by mainline U.S. media organizations to convince the Pentagon that AFP belonged in a U.S. pool.[35]

AFP's complaint was very narrow. Instead of asking for a declaration for unconstitutionality, AFP requested that the pool rotation slots be opened to AFP. That is, the pool would not necessarily have to be expanded, merely that AFP be allowed into the schedule.[36] This was justifiable on the grounds that AFP fit the definition of "principally serving the American public" by having over 44 million American readers, including elements of the government itself. AFP was especially distressed that Reuters, a British agency, had been allowed into the American pool under these circumstances, despite its ties to Great Britain.[37] That AFP already had access to the French press pool was irrelevant, considering that most of the action was on the American front and hence harm was being done by excluding them from that area.[38]

The government response was relatively simple. AFP's complaint did not merely ask for inclusion into the wire service pool rotation. It also asked for inclusion into rotation for the photo and pencil pools, into which most American newspapers had been shunted. The government argued that granting the prayer for relief would inundate the Pentagon with

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[34] See Mark Godfrey (photography director, U.S. News and World Report) to Colonel Peter Alexadrakos, USAF (director of plans, OASD: PA/DPL), September 27, 1990. (PR, p. 551.)

[35] See, for example, Joe Elbert (Washington Post) to Pete Williams, January 15, 1991; or Larry P. Nylund (Washington bureau chief, USA Today) to Pete Williams, January 15, 1991; and others in PR, pp. 633-4 ++.

[36] Transcript: Agence-France-Presse v. DoD, February 14, 1991, pp. 13-4. (PR, pp. 1318-9.)

[37] Id., pp 5-7. (PR, pp. 1310-2.)

[38] Id., p. 9. (PR. p. 1314.)

requests for inclusion into those pools by any organization who could claim that they "principally served the American public." Such an inundation would seriously hamper the operation in the field of the operations coordinators.[39] AFP's response was that they were in a class above the many others and that their argument could not apply to any others. The case was deferred in light of the pending suit before the same court regarding the constitutionality of the whole issue. When the Nation case returned before the court, however, the AFP suit had been joined to it, apparently to fully test how far the press restrictions were allowable in legal terms.

But by the time the joined case came before the court (after preliminary motions), the ground war had effectively ended. (This was on March 4.) The Department of Defense had announced an end to the pool system and an end to press travel restrictions in forward areas. Thus, AFP's request for immediate injunctive relief was rendered moot beyond doubt. A judgment concerning their inclusion into the pool would therefore be irrelevant and, in light of the historical legal views on forecasting future wars, inappropriate. Such review was also ill-advised considering that the press restrictions, just as in Grenada and Panama, were going to be reviewed anyway; declaring something unconstitutional that might cease to exist shortly seemed not called for.[40]

However, the remainder of the case was found by Judge Leonard Sand as being "capable of repetition yet evading review." That is to say, the complaint by The Nation was broadly worded so that the source of the dispute -press restrictions in "hostile" conditions- could be taken to mean not just the Persian Gulf situation, but any future military action. The wording of the complaint, and the judge's decision not to immediately void it completely on mootness grounds, was a significant step forward from the position taken in Flynt.[41]

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39 Id.,. pp. 30-1. (PR, pp. 1316-7.)
40 762 F. Supp at 1595-6.
41 Id. at 1568.

Yet while the court was willing to examine the case, it was not so willing to render some sort of permanent injunction against total press bans. Judge Sand noted that while a "qualified right of access" did exist in such situations, it was just that -a qualified right. As such, some regulations could be permitted. The court was reluctant, as was the district court in Flynt, to consider the current situation as potentially representative of all future cases: "No two sets of pooling regulations will be identical nor will their application be the same since the nature of modern warfare is such that each conflict is different."[42]

While acknowledging that a court such as itself could issue a judgment of declaratory and/or injunctive relief, Judge Sand declined to do so. He noted that the judiciary had long deferred to the executive in such matters of decision-making, and it would continue for the present to do so. In effect, he conceded that Article II of the Constitution superseded the First Amendment. The press did have a limited right, but without a full accounting of all the details, a proper judgment could not be given:

> [T]he government could not wholly exclude the press from a land area where a war is occurring that involves this country. But this conclusion is far from certain...
> [W]e leave the definition of the exact parameters of press access to military operations abroad for a later when a full record is available, in the unfortunate event that there is another military operation.[43]

Once again, a court reasoned that without knowledge of the future, it would be impossible to limit the options available to the government without in so doing putting lives at risk. Also, there was simply no alternative. Judge Sands had repeatedly pressed for a compromise solution, which had not been forthcoming, largely due to recalcitrance on the part of the plaintiffs.[44] Although it was clear that the courts did possess the power to

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42 Id. at 1569.

43 Id. at 1572.

44 Id. at 1570. Also see Transcript, Nation v. DoD, February 1, 1991, pp. 12-14. (PR, pp. 1296-8). The plaintiff's only gesture was to send to the government a set of the MACV rules issued in 1967, which allowed for unilateral coverage by accredited reporters. The government rejected the rules as inappropriate to the situation, an argument that it had made from the beginning.

review military restrictions on the press, and even while they acknowledged that an absolute press ban would probably be unconstitutional, they would not consider the issue a case of unjustifiable prior restraint.[45]

ANALYSIS

In the United States, legal observers have noted that in theory press pools (and the ensuing restrictions on reporters outside the pools) are acceptable under the First Amendment. David Freznick suggests that the Supreme Court possesses the necessary elements to construct a three part test for military restrictions: a) that the issue or cause must have been historically open to the public and the press; b) the right of access must be significant to the function of the questioned process and the government in general; and c) access may only be denied when a compelling government interest is at stake and the denial is narrowly tailored to the problem.[46] Under such a test, the Persian Gulf and Grenada cases would have eventually failed Supreme Court scrutiny for being overbroad.

Yet such an approach fails to take into consideration the changing nature of war. Freznick argued for a near-blanket press coverage, subject only to (acceptable) content regulation . But the pace of technology may overtake attempts to regulate on the basis of content by the military, leaving censorship in the hands of the network/newspaper or even solely the correspondent.[47] While most reporters probably could be relied upon to make sound judgments regarding content, this is by no means an absolute standard. Moreover, the same technology could even be turned against the reporters and their military companions. For example, a mini-satellite uplink from the front lines, if it could be

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45 Note: Judge Sands, while stating that in theory the courts did possess some right of review in this case, worried about enforceability: "[H]ow is the court going to protect against reneging [by the government on promises to abide by court rulings]? Do you envision my holding the General in contempt in the middle of the battle?" Transcript: Nation v. DoD, March 4, 1991, p. 23. (PR, p. 1387.)

46 Freznick, p. 348.

47 Even the press has acknowledged that technology has radically transformed the news game from the front. See, for example, John Pavlik and Mark Thalhimer, "The Charge of the E-Mail Brigade," The Media at War, pp.34-8.

somehow traced back to its source, could provide the enemy with troop positions that it might not already possess, regardless of what was actually in the broadcast. If nothing else, new technology may have rendered the traditional front "a phenomenon of the past."[48]

Moreover, the view of the past as a strict guide for conduct is not one shared by the military. In testimony before the Senate Committee on Governmental Affairs, Pete Williams was at pains to point out that the Persian Gulf situation was not like World War II and most assuredly was not like Vietnam. In fact, each conflict appears unique in the eyes of the military, or so one might infer from Williams' comment, "How pertinent, really, are the experiences in Grenada and Panama to this far, far larger operation?"[49] But while each situation might be unique, that is not necessarily to imply that lessons could not be learned, according to General Norman Schwarzkopf, who felt that it was "crucial" that the military not stonewall as it had done in Grenada.[50] Given repeated court demonstrations of deference to military opinion, it seems unlikely that the press will make any headway by going back to World War Two and Vietnam for inspiration.

If the theoretical shortcomings are not enough to make the media reconsider tactics, then perhaps they should also bear in mind that the public whom they serve may not be on their side as of yet. In both the Persian Gulf War , public opinion towards restrictions on the press was generally favorable.[51] A press corps already under fire from a suspicious government could find its efforts at avoiding restraints hampered if the government can also claim that it possessed the legitimacy of public opinion. Thus, insofar as crisis situations are concerned, it would be hard for the media to make the case before the public that it deserves more freedom in the arena of battlefield coverage. Not only does the government

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48 Nation, 762 F.Supp at 1574, footnote 16.

49 Testimony of Pete Williams, PR, p. 16.

50 General H. Norman Schwarzkopf, It Doesn't Take a Hero (New York: Bantam Books, 1992), p. 343. Schwarzkopf also puts a good spin on the initial August pools by saying that Central Command had persuaded the Saudis to let the reporters stay, even though the Saudis had wanted to make them all leave.

51 For Persian Gulf poll results, see Martha FitzSimon, "Public Perception of War Coverage: A Survey Analysis," The Media At War, pp. 86-97.

not want it, but neither does the public. Indeed, this becomes problematic when one considers that it is the job of the press to inform, but censorship and denial of access keeps the press from performing this function. But by informing they may do more harm than good [revealing information to the enemy] and thus turn the public against them.[52] It would also be hard for the press to make the constitutional case that restrictions have gone too far already. The courts to date simply have not been willing to infringe on executive privilege as manifested by the military.

Thus, the history of the development and life of the pool system seems to have followed a pattern. A conflict arises, the pool is deployed. The pool operates for a time, and then begins to dissolve. The military formally dissolves the pool. Complaints from the media arise, which prompt some sort of investigation. A report is made, and minor changes to the system follow. The pool system remains intact. (Occasionally the media challenges the restrictions in court, but loses.) [53]

If blame were to be assigned by media members to those outside the military, the courts would take a major share of it. To date, the courts have been unwilling to directly challenge the military on press access restrictions. Despite the occasional legal contest, the military's system of using press pools appears to have survived intact from its inception. The future of the pool system looks secure, providing the military can tailor combat situations to suit the requirements of pool deployment. Given also the legal difficulties resulting from proving non-mootness, it would probably take a sustained conflict in order to bring military access restrictions into serious court consideration. This does not seem currently to be forthcoming.

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[52] Schwarzkopf, p. 381: "I was convinced that our own [media[had become Iraq's best source of military intelligence."

[53] The Interim Report to Congress on the Persian Gulf War did not include any indications that the pool system would be scrapped. Of more importance to the Report was the complaint of the media of the use of escort officers as unofficial censors...a topic that, while worthy of examination, goes beyond the scope of this paper.

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ONE MAGAZINE: GAY AMERICA'S FIRST JOURNALISTIC VOICE

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ONE Magazine: Gay America's First Journalistic Voice

ONE was the first American homosexual publication to be widely distributed or to achieve any degree of stability. This national magazine, founded in Los Angeles in 1953, played a crucial role in the struggle for gay rights. Not only did ONE serve as a lifeline for pockets of gay men and lesbians scattered across the country, but it also adopted a stance of combative pride in being homosexual -- foreshadowing gay emancipation.

This paper analyzes the content and contributions of ONE. Specifically, it argues that the magazine, which was published without interruption for sixteen years, established the gay press as a viable form of alternative journalism, while also setting a standard for what material would appear in the hundreds of gay publications that have been published in the last forty years. Further, the paper describes ONE's four-year court battle that culminated in the U.S. Supreme Court's 1958 decision that gay publications could be distributed through the mail. Finally, the paper argues that ONE provided a venue for the lively and discordant conservation that ultimately evolved into a gay ideology, thereby laying the psychological groundwork for the Gay Liberation Movement.

Although journalism historians have not previously researched gay publications as alternative journalism, scholars of gay liberation have long acknowledged the contributions of the gay press. In 1972, for example, one historian wrote: "The gay world has been particularly fortunate in the quality of its journalism since ONE began publication in 1953."

This paper's primary sources include original copies of ONE magazine preserved in the Rare Books Divisions of the New York Public Library, as well as interviews with four of the individuals who founded and edited this pioneering publication.

ONE Magazine: Gay America's First Journalistic Voice

If a historian were asked to describe the earliest example of gay journalism in the United States, the first image to come to mind -- if any image at all came to mind -- probably would be of a tabloid newspaper with screaming headlines and X-rated homoerotic images splashed across the front page. A spate of such newspapers burst onto the streets of Greenwich Village in the wake of 1969's Stonewall Rebellion.[1] Although those sensationalistic newspapers such as Gay Power, Gay Flames, and Come Out! played a highly visible role in the evolution of gay America, they actually composed the second generation of gay journalism in this country. The first of the genre was a Los Angeles monthly that looked more like a scholarly journal than a pornographic magazine or radical newspaper.

ONE magazine was founded in January 1953. Preceding the birth of the Gay Liberation Movement by a decade and a half, the monthly magazine became the first American homosexual publication to be widely distributed or to achieve any degree of stability. This national magazine played a crucial role in the struggle for gay rights. Not only did it communicate what scattered pockets of gay men and lesbians across the country were thinking and doing, but it also adopted a stance of combative pride in being homosexual -- thereby foreshadowing gay emancipation. The magazine was published for sixteen years, until 1969, and was briefly resurrected in 1972.[2]

Don Slater, a founder of the magazine, believes that creation of ONE represented the beginning of the Gay Liberation Movement. Slater said:

> A social movement has to have a voice beyond its own members. Before this time, homosexuals just spoke to

themselves. They just talked -- whispered, really -- to each other. Talking to each other in little groups does not create a social movement, a mass movement. For the first time, ONE gave a voice to the "love that dared not speak its name." Nobody else had ever done that. The magazine truly was the beginning of the movement.[3]

One of the magazine's most significant contributions came when it established the gay press as a form of alternative journalism that could survive over an extended period of time.[4] The publication set the course for the hundreds of gay magazines and newspapers that have followed it, including the 125 gay newspapers that exist today.[5] Although the standard histories of the American media have not examined -- or even acknowledged the existence of -- gay journalism,[6] this specialized medium has played the dual role of reflecting and leading the oppressed segment of society that it serves.[7] In 1972, one historian of the Gay Liberation Movement observed: "The gay world has been particularly fortunate in the quality of its journalism since ONE began publication in 1953."[8]

Besides establishing gay journalism as a viable institution, ONE also served to define the contents of the gay press. As the pioneer in this specialized field, it created a standard for what material would appear in gay publications. ONE set the precedent, for example, for gay publications to speak with a defiant editorial voice and to supply their readers with vital news of police harassment, legal struggles, and political battles. Also significant was the magazine's dramatic departure from conventional journalism in containing both news and fictional content.

Further, ONE made a valuable contribution to the emerging homosexual

rights movement by winning a significant legal victory. Editors became embroiled in a bitter legal battle with the U.S. Post Office. Although the small magazine was not sensational by today's standards, Los Angeles postal officials seized several issues. For four years, the high-profile case inched its way through the court system. In 1958, the editors won a landmark Supreme Court decision that established that the subject of homosexuality *per se* was not obscene and, therefore, that homosexual publications could be distributed through the mail.

Finally, ONE raised and spread the ideas that ultimately evolved into the ideology of the Gay Liberation Movement. ONE provided the first venue for the lively and often discordant conversations that continue to be at the center of the on-going battle for gay rights. Although generally leaning toward militancy, the magazine offered a forum for views representing the full breadth of the radical to conservative continuum as it allowed the first public discussion of such topics as bisexuality, effeminacy, promiscuity, and homosexuality as a form of population control.

Founding the Gay Press

In the fall of 1952, a dozen Los Angeles men came together for one in a series of meetings to discuss the problems facing homosexuals. Martin Block, one of those men, later recalled:

> We were sitting around chatting, but it just seemed like it was going no where -- nothing but talk. So my dear friend Johnny Button said, 'Let's do something real, something important. Let's start a magazine.' And that was the night the gay press was born.'

During the next several months, the men outlined their plans to create a magazine that would expand their discussions to a larger audience.[10]

The founders were activists rather than journalists, with none of the men who shared responsibility for the magazine having any journalism experience. The only founder with any writing experience whatsoever was Dale Jennings, who had written copy for several Los Angeles advertising agencies. The two other members of the original editorial board were Slater, a librarian, and Block, the owner of a small bookshop.[11]

In a remarkably courageous move, the three editors decided to be identified in the magazine by their real names. Jennings recalled:

> This was during Joe McCarthy's reign. To be accused was was to be guilty. To be so much as accused of being a homosexual would be absolutely the end of your career -- the end of your life. Homosexuality carried such a stigma that you automatically lost your job and your family.
>
> But we were young and tired of whispering to each other. We were tired of locking the doors and pulling down the shades whenever we wanted to talk about who we were. So we just decided: 'What the hell?'[12]

Contributors used pseudonyms. Indeed, in order to suggest that there were more people writing for the magazine than actually was the case, some writers used several pseudonyms.[13]

The magazine's name was a reference to the concept of coming together with understanding summarized in Thomas Carlyle's quotation: "A mystic bond of brotherhood makes all men *ONE*." The magazine would be specifically for readers who understood the oneness of the unique bond of homosexuality.[14]

Finances were a recurring problem for the magazine, which throughout its sixteen-year history never made a profit. Slater said: "ONE never paid for itself. It wouldn't have survived if we editors had not put our own money into it continually. We wanted it to work. So we all just pitched in."[15]

The founders' most obvious source of support was the Mattachine Society, the first national organization of homosexuals, which had formed in Los Angeles in 1950. The society sponsored discussion groups, such as the one at which the idea of creating a magazine had surfaced.[16]

The Mattachine Society offered ONE's founders a $100 contribution, if society leaders could consult the founders about the content of the magazine. The founders declined the offer, opting not to affiliate with any specific group. Jennings recalled: "Members of the Mattachine Society wanted the emphasis to be on the contributions that homosexuals had made to literature -- to the culture. The editors did not agree. We wanted to be militant. We wanted equal rights for homosexuals."[17] ONE adopted a far more assertive stance than the Mattachine Society, which hoped to achieve acceptance of homosexuality by accommodating to heterosexual America.[18]

ONE's founders opted to form their own organization -- One, Inc. The charter of the non-profit corporation stated that it would publish a magazine dealing with homosexuality from a scientific, historical, and critical point of view. The corporation, which consisted of fewer than a dozen members, conducted classes, sponsored lectures, operated a counseling center, and participated in research projects. But its primary focus during the 1950s was publishing ONE magazine.[19]

The magazine encountered formidable financial problems because of barriers to the two traditional sources of publishing revenue: advertising and

circulation. Attracting advertising was difficult. Slater recalled: "Nobody was brave enough to advertise in a homosexual magazine back then."[20] Early issues contained no more than one page of advertising, which was placed by men working with the magazine. The first issue carried a half-page ad for Block's bookstore and smaller ads for original ceramics and musical performances by staff members. Advertising remained minimal throughout the first year and a half of publication, with no ads whatsoever in several issues.

The magazine was somewhat more successful in the area of circulation. The founders knew that subscribers would fear being identified as homosexuals, thereby making themselves vulnerable to arrest or dismissal from their jobs, and that businesses would be reluctant to sell the magazine for fear of being accused of promoting homosexuality.[21]

It quickly became apparent, however, that the demand for a gay-oriented magazine outweighed these concerns. By circulating a one-page flyer in Los Angeles in the fall of 1952, the founders had amassed an initial list of 146 people who were willing to pay $2 for a one-year subscription.[22] The founders had not, however, been able to convince a single newsstand to sell their magazine. Even so, all 500 copies of that first issue were sold so quickly -- largely by the founders peddling individual copies at twenty-five cents each -- that an additional 500 copies were printed and sold. W. Dorr Legg, business manager for the magazine, later recalled: "I acted as a newsboy in the gay bars of Los Angeles. There was no public distribution at all. No copies whatsoever were sold at newsstands."[23]

After establishing that there was a clientele for the magazine, however, the founders were more successful in convincing retailers to sell it. One by one, the owners of newsstands and book stores began stocking the magazine.[24]

Within half a year, paid circulation had hit 2,000; within a year and a half, the press run had surpassed 5,000; and within four years, ONE had achieved a circulation of 10,000.[25]

The staff soon rented a two-room office and hired the first full-time employee to work in the Gay Liberation Movement, paying Legg a salary as business manager -- up to a point. He recalled: "When I left my profession to work full time for ONE in April 1953, I was offered $25 a week -- when available. It usually was not available. A year later, that salary skyrocketed to $100 a week -- when available."[26] In reality, Legg survived largely on savings and a private income.[27]

As the circulation of ONE expanded, so did its size. All 1953 issues contained twenty-four pages in an ungainly six-inch by seven-inch format. Beginning in January 1954, the magazine increased to thirty-two pages and enlarged its format to the more standard five inches by eight inches.

The magazine expanded to national distribution as well. In fact, by mid-1954 more copies were being sold in New York City than in Los Angeles, and there were subscribers in every state, Canada, Mexico, Australia, and a dozen countries in Europe, South America, Asia, and Africa.[28]

Ninety percent of the sales were by single copies rather than by subscription.[29] By the end of 1954, ONE was being sold in bookstores and newsstands in Berkeley, San Francisco, San Jose, New York City, Buffalo, Washington, Cleveland, Minneapolis, Chicago, and Salt Lake City.[30]

Defining the Parameters of Gay Journalism

By the time the founders produced their first issue in January 1953, they had settled on a look and an editorial mix that remained intact

throughout the magazine's history. They insisted that their publication contain original material rather than reprints. They also emphasized a simple but formal design, having the magazine typeset and printed rather than allowing it to be typewritten and mimeographed. Jennings convinced his sister and brother-in-law to print initial issues on the press they used for their printing business. The first cover was a heavy gray stock with purple ink modestly spelling out "one" in lowercase letters.[31]

The longest article in the premier issue described Jennings's experience with police entrapment a year earlier when the Los Angeles vice squad had charged him with soliciting a plainclothes officer to commit a homosexual act. During the trial, Jennings acknowledged that he was homosexual but denied the charge. After the jury had deliberated forty hours, eleven members favored acquittal but the twelfth said he would hold out for guilty "till Hell froze over." The city then dropped the charges.[32]

Jennings concluded his first-person account with an early call for a unified gay movement. He wrote:

> Were all homosexuals and bisexuals to unite militantly, unjust laws and corruption would crumble in short order and we, as a nation, could go on to meet the really important problems which face us. Were heterosexuals to realize that these violations of our rights threaten theirs equally, a vast reform might even come within our lifetime.[33]

ONE's news content further demonstrated its intention to change society rather than to accommodate to it. News events were summarized in two pages of brief items that in early issues were labeled "News" and later were renamed "Tangents: News and Views." The second heading provided a more accurate

description, as the editors did not hesitate to supplement the facts with their own viewpoints. Editorial statements were a recurring element in the monthly column of news briefs, as ONE established that the reporting style of the gay press would be that of the advocacy journalism practiced by the African-American press since the early nineteenth century. The facts were presented, but they often were accompanied by the kinds of strong statements of opinion that mainstream newspapers eschew.

After reporting that a judge had chastised two gay men for their "aggressive attitude" when defending themselves on charges of illegal sexual activity, the writer launched into an attack on the inequities of the American legal system. He wrote:

> Perhaps American citizens are supposed to supinely submit to the most vicious smears, be robbed of their freedoms and then meekly go to jail without protest.
>
> Is it not time that American citizens fought back more often? It may be that a wave of "bad" courtroom manners would bring a little healthy respect for constitutional rights back into the picture.[34]

Despite such tirades, ONE chronicled the unjust treatment of gays as had never been done before. Most news items involved police and judicial actions. Legg said: "At that time LA seethed with stories of police brutalities, of so-called entrapment cases, of raids, of apartment doors being battered down, of officers hiding in the trunks of cars, of secret cameras and peep-holes, of tape-recorders concealed in portable radios or behind draperies."[35]

ONE did not limit its exposes of police practices to Los Angeles. Jim Kepner, a radical activist who joined the staff in 1954, urged readers all

over the country to send him clippings of local news items involving gays. Kepner compiled a shocking record of gays being ridiculed, entrapped, and abused.[36] The total mounted higher and higher as Kepner documented the victims of "homosexual witch hunts" all across the country: eleven in Phoenix, six in Salt Lake City, forty in Dallas, ten in Oklahoma City, sixty-seven in Memphis, 162 in Baltimore.[37]

Typical was an item based on a Miami Herald article about twenty-one men being apprehended because police were concerned that the beach had become a hangout for "males with a feminine bent." The article quoted Miami Police Chief Romeo J. Shepard as saying: "We had no charges we could book them on, but it's just a question of cleaning up a bad situation and letting undesirables know they're not wanted here." ONE's item about the Miami event concluded with the statement: "They may have looked 'feminine' and even confessed to being homosexuals, but you cannot be charged with homosexuality or criminality; it must be with a homosexual act."[38]

Kepner's job was far more difficult than simply reprinting articles. In the early 1950s, homosexuality was such a taboo subject that newspapers did not speak about it directly. Kepner recalled:

> You learned how to read between the lines. They might not have mentioned the raid of a homosexual bar, but if several men were arrested and no women were mentioned, you assumed it was not a whorehouse.
>
> In the article they might mention one man was dressed in a "womanish" manner. . . . You looked for those words and then read the whole thing carefully. Then you would go and investigate. So I would write to one of our subscribers

in the place from where the story was reported and ask, "Is this a gay story?"[39]

The advocacy magazine committed much of its space to reader-service material. This editorial element, which later became a staple in gay newspapers, was introduced when ONE published a two-part series describing the legal limits of police entrapment.[40] Other articles explained how much information a person was required to give a police officer,[41] examined the methods that the Senate Un-American Activities Committee had used to purge hundreds of suspected homosexuals from the federal government between 1949 and 1952,[42] and summarized relevant bills pending before the California legislature -- including one that proposed that homosexuals not be permitted to drive cars.[43] ONE also sought to serve its readers by establishing a legal defense fund for persons persecuted for being homosexual.[44]

While ONE's news content clearly demonstrated a commitment to fact-based articles, the magazine broke with the conventions of mainstream journalism by mixing news stories with original fiction and poetry. By the end of the first year of publication, the editors had determined that every issue would contain at least one work of fiction,[45] and the December 1953 issue was exclusively fiction. The next year ONE began an annual writing competition, with top entries being published in the magazine.[46] ONE's willingness to publish fiction attracted such major writers as Norman Mailer and Clarkson Crane, both of whom wrote short stories for the magazine.[47]

Each issue carried an editorial. The first one stated: "ONE is dedicated to the service of humanity. Its hopes are high. Its plans are big. Let us show the world what we can do. It is now up to you, ONE's readers, for this magazine will continue to go forward as fast as you permit."[48]

The most controversial article in the first issue established that ONE welcomed divergent voices. The piece introduced an opinion column open to readers as well as staff members. The first "As for me . . ." column was from a guest writer and was preceded by the statement:

> The editors debated long over this provocatively subjective article until they realized just how long a debate it had provoked. Then they decided unanimously to include it. It is exactly this type of strong, personal opinion which ONE means to present to its readers. Perhaps you'll even write an answering opinion of your own.[49]

That first column tackled the explosive topic of bisexuality, arguing that bisexuals were sitting on a fence. The author boldly ordered her readers: "Jump off that rail and cast your lot with either the heterosexuals or the homosexuals. This is one time when being half-and-half doesn't mean you are the cream of the crop. It just means you are confused -- let's face it!"[50]

Gender composition of ONE's staff and readership was a controversial topic, as it has remained throughout the history of the gay press. Although the first issue contained a poem and opinion piece signed by women,[51] the magazine soon began receiving letters that complained that the staff and content were male dominated. One stated: "The point of view from the 'gay girl' is rather different from the fellow, thus making a very good argument for the necessity of including their element more in future issues of ONE."[52]

In August 1953 an expanded editorial board added two women, and in February 1954 one of them became editor-in-chief.[53] The entire February 1954 issue was written by, for, and about lesbians. A column titled "Feminine Viewpoint" also began to appear occasionally. Nevertheless, the male

perspective continued to dominate. This emphasis was partly because a great deal of attention was devoted to the issue of police harassment, which primarily affects gay men rather than lesbians.

One of the most difficult decisions that the editors faced revolved around what images to publish in the magazine. The gay-oriented publications that preceded ONE had relied almost exclusively upon scantily-clad men with muscles -- as well as other body parts -- that bulged off the page. ONE's founders preferred to follow the conventions of mainstream journalism, telling their readers: "ONE is not and has no wish to be an erotic magazine."[54]

And yet there were two strong arguments favoring more flesh. First, gay activists argued that adoration of beautiful same-sex physiques was a central element in the homosexual culture and, therefore, a gay magazine should reflect that value. Also, ONE editors knew that homoerotic images could boost their advertising and circulation revenue -- and their hopes of surviving.

ONE never carried homoerotic images, but it eventually published advertisements containing depictions of men in suggestive poses. The break came in October 1954 with ONE's first full-page ad. The ad promoted satin undershorts studded with rhinestones and harem-style pajamas made of sheer nylon. Both items were modeled by a handsome, physically well-developed man. The images were not homoerotic, as the model's genital area was fully covered with solid white briefs. When combined with the ad copy accompanying them, however, the images were suggestive. One caption read: "Here is our answer to the gay 90's nightshirt. They used flannel -- we use nylon and satin!!"[55]

The ads elicited strong reader reaction. A Los Angeles man was outraged, saying: "I can't see why you besmirch your format with an ad such as you have on the inside of the last cover. It is a perfect target for

mockery!" A Pennsylvania man wrote of the ad: "Your judgment blew a fuse when you printed that." And a Connecticut reader expressed betrayal, saying: "The feminine attire worn by the male model, I find disgusting and against every principle of your fine work. Don't spoil it by cheap pictures and ads."[56]

ONE published the letters along with a response from the editors:

> For the first time in two years of our existence a genuine, commercial, bill-paying advertiser has appeared voluntarily. It may be the day will come when those of us who do not care for rhinestones will become a little less self-conscious about those who do, and less ready to feel ashamed of them. As for ourselves, we are unable to find either a moral or a social issue in jeweled garments for men. ONE is, and must continue to be, dedicated to tolerance.[57]

After this watershed, the editors accepted more ads from the same company for swimwear and lounging pajamas.[58]

Doing Battle in the Courtroom

The readers' negative reaction to that October 1954 issue was minor compared to that of postal officials. For it may have been more than a coincidence that the issue that carried that first advertisement for nighttime garments also was the focus of a precedent-setting legal battle between ONE and the U.S. Post Office, although the advertisement was never publicly mentioned during the four-year legal battle.

Even in the planning stages of their magazine, ONE's founders had been cautious about the content of their magazine, recognizing that publishing America's first widely distributed magazine devoted to homosexuality would

make them vulnerable to criticism by federal officials. Anticipation of government scrutiny had propelled the founders to choose three editors so that no one person would feel the full brunt of attacks when they came.[59]

That same caution had resulted in consultation with attorneys, whose legal advice had led the editors to steer clear of fiction in their earliest issues. The attorneys had been concerned that fiction could too easily have been characterized as entertainment, which could be construed as violating the educational focus defined in the corporate charter. Not until July 1953 did ONE print its first piece of fiction.[60]

Despite the founders' care, federal officials attempted to intimidate ONE staff members. Their tactics evolved from the anti-Communist fervor of the early 1950s. FBI agents questioned ONE staff members, demanding to know if any of them were Communists. Kepner told the agents that he was the only staff member who had belonged to the Communist Party, and that he had been thrown out when his homosexuality became known. Kepner recalled: "They asked me if a couple of members of the staff were Communists, and I hooted and said that they were very conservative."[61]

But the most significant problems came from postal officials. The first signs of difficulty occurred in August 1953 when postal authorities in Los Angeles and Washington delayed mailing the issue for two weeks while they scrutinized the content.[62]

The editors refused to be intimidated. On the front cover of the next issue, they announced that postal officials had delayed the magazine's mailing but finally had allowed it to be distributed. The editors defiantly stated:

> ONE thanks no one for this reluctant acceptance. As we sit around quietly like nice little ladies and gentlemen

> gradually educating the public and the courts at our leisure, thousands of homosexuals are being unjustly arrested, blackmailed, fined, jailed, intimidated, beaten, ruined and murdered. ONE's victory might seem big and historic as you read of it in the comfort of your home (locked in the bathroom? hidden under a stack of other magazines? sealed first class?). But the deviate hearing of our late August issue through jail bars will not be overly impressed.[63]

A year later, Los Angeles Postmaster Otto K. Oleson seized copies of the October 1954 ONE, calling the material "obscene, lewd, lascivious and filthy."[64] Canadian customs officials followed Oleson's lead and refused to distribute the magazine in their country.[65]

The editors contested the postmaster's refusal to mail the magazine. Their lawyer, Eric Julber, protested to federal district court. He argued: "It strives to create understanding of an extremely knotty social problem."[66] The judge, however, sustained Oleson's action, stating: "ONE: The Homosexual Magazine is non-mailable matter. Stories are obviously calculated to stimulate the lust of the homosexual reader."[67]

ONE editors asked their readers for financial support and then appealed the decision, with seven staff members appearing in federal appeals court for the hearing.[68] In 1957, this judge also ruled against them, saying of the magazine: "It is dirty, vulgar and offensive to the moral senses." The judge went on to condemn homosexuality in general:

> An article may be vulgar, offensive and indecent even though not regarded as such by a particular group of individuals constituting a small segment of the population

because their own social or moral standards are far below those of the general community. Social standards are fixed by and for the great majority and not by or for a hardened or weakened minority.[69]

As the case inched its way through the judicial system, ONE staff members defied the court ruling and found creative ways to distribute the magazine. Each month, editors drove to small towns near Los Angeles and dropped five or six copies in mailboxes.[70]

Even though reader contributions totaled only $367.50 while legal expenses surpassed $2,000, the editors continued their battle, appealing to the highest court in the land.[71] Finally, in January 1958, ONE triumphed when the U.S. Supreme Court unanimously reversed the decision of the lower courts.[72] Although the justices did not issue a written opinion articulating their thoughts, the landmark decision established that the subject of homosexuality, *per se*, was not obscene and, therefore, gay publications could be distributed through the mail.[73]

In his next issue, ONE editor Don Slater was not only jubilant, but also a bit cocky, possibly inflating the significance of the decision somewhat:

> ONE Magazine has made not only history but law as well and has changed the future of all U.S. homosexuals. Never before have homosexuals claimed their rights as citizens. ONE Magazine no longer asks for the right to be heard; it now exercises that right. It further requires that homosexuals be treated as a proper part of society free to discuss and educate and propagandize their beliefs.[74]

For a fledgling minority group attempting to battle an inhospitable

society for equal rights, the decision was extraordinary. It is impossible to determine the exact value of the victory or the publicity it engendered, but there is no question that the momentum toward revolution had been given a major boost.[75] As a leading historian of the Gay Liberation Movement stated: "The pioneering effort to publish magazines about homosexuality brought the gay movement its only significant victory during the 1950s."[76]

Defining the Gay Ideology

ONE also fueled the coming revolution by initiating a nationwide conversation that evolved into the ideology of the Gay Liberation Movement. By opening its pages to the diverse ideas of gay men and lesbians, ONE gave gay America its first public voice. Readers as well as editors were encouraged to express the ideas and opinions for which there previously had been no venue. Jennings recalled:

> Before we started ONE magazine, we had repeatedly sent statements to newspapers and had doggedly attempted to convince reporters to talk to us. We wanted to express ourselves and discuss the issues that were dominating our lives, but we couldn't get a word in the popular press.[77]

The dialogue that unfolded in the pages of ONE magazine was often discordant. The editors stated on the inside of the front cover: "These pages are devoted to no one view, advocate no one philosophy save tolerance and reflect widely divergent opinions in each issue."[78] Indeed, these opinions laid the psychological groundwork for gay liberation, and many of the issues that today remain at the center of gay discourse appeared in ONE.

The most important debate of the 1950s revolved around whether gays were

simply individuals who shared the single characteristic of being physically attracted to persons of the same sex, or were a minority group that shared a variety of similarities and, therefore, constituted a distinct subculture. This debate was fundamental to the concept of revolution. If gays were defined merely by one trait, it seemed that they should, as Homophile Movement leaders insisted, accommodate to mainstream society. If, on the other hand, they were an oppressed minority group similar to Jews or African Americans, it seemed valid that they should demand liberation.

ONE's first volley on this debate came with the point-blank question: "Are those who drink coffee a minority?"[79] After Jennings's inflammatory statement in early 1953 prompted a barrage of attacks, he amplified his position, saying:

> It is erroneous to assume that all those who are inclined toward members of their own gender constitute a concrete minority. There are many degrees of both homo- and heterosexuality. Those of homosexual experience have no more in common than have "normal" persons. It would be pointless to give every man who sleeps with women a certain label and declare that he belongs to a special category. Homosexuals do not and cannot share a culture.[80]

Chuck Rowland, a member of ONE's editorial board, disagreed, calling it irrelevant that some degree of homosexuality is common to all people. In a piece titled "The Homosexual Culture," he used the success of the magazine as part of his argument, writing: "Were there no homosexual culture, there would be no need for, no interest in, such a magazine as ONE."[81]

Most ONE editors and readers endorsed Rowland's position, but they

disagreed about exactly what defined the homosexual subculture. Kepner posited that all gays possessed a rebellious nature, writing: "They are constitutionally incapable of being sincere conformists."[82]

Others criticized the manifestations of the culture, insisting that gay life had to be reformed. One such topic arose when a writer called effeminate behavior by gay men "a source of great dismay."[83] Others defended effeminacy. A Canadian wrote that it was a defining quality: "Without it, any homosexual culture to come would lack even a point of beginning."[84] Another defended effeminacy from a human rights viewpoint: "When we are led by our life-long fear of being considered a sissy into contempt for effeminate homosexuals, we cease being able to respect ourselves."[85] Still another shared that he had felt threatened by effeminacy but gradually had grown to accept it: "I even started swishing more myself and found it to be rather fun. It's your trademark, part of our tribal lore. It answers an inner need."[86]

On most issues, ONE's editors refrained from adding editorial comments. On the topic of effeminacy, however, the editors could not restrain themselves. Immediately after the writer said that all gay men feel a need to "swish," the editors added a parenthetical comment: "(Sorry, but the editors must challenge this. Take it from us, Buster, it ain't so.)"[87]

A Chicago reader provoked an even more fiery debate when he criticized the level of sexual activity among homosexuals, saying:

> The public is more often than not justified in its disdain and its disgust with the aspects of homosexuality that it sees. I refer to, of course, the demimonde of bar flies and bar-flitting, of promiscuity.
>
> In my mind we must reform the so-called "gay" life in

order to earn respect for ourselves as homosexuals.[88]

The question of whether promiscuity was too rampant in the gay subculture continued to rage for many years, until Acquired Immune Deficiency Syndrome brought a new perspective on the issue in the 1980s. Before that time, many activists argued that a liberal attitude toward sexual activity was part of gay liberation, particularly in a society that did not sanction monogamous relationships between members of the same sex. Adhering to this viewpoint, one reader said: "Promiscuity is an important and meaningful aspect of homosexuality which should be valued highly."[89] Another put this side of the debate in concise terms when he said he was appalled at the suggestion of reducing gay promiscuity, adding, "No more sexual abandon: imagine!"[90]

ONE editors attempted to spark friction among readers by pursuing controversial subjects.[91] An example had to do with whether lesbianism was a solution to the population explosion that was of great concern in the 1950s. Allison Hunter wrote:

> It is time to call for at least half the women of the world to do their duty and NOT have babies, at least not more than the world can support. We can think of no better way to ensure this than by encouraging more women to join in permanent and highly moral partnerships with one another.[92]

An equally extreme proposal suggested that gay men and lesbians with high IQs should create a race of homosexual supermen and superwomen. According to the plan, the lesbians would be artificially inseminated with the sperm of the gay men, and then, after children were born, the girls would be raised by the women, the boys by the men. The author continued:

> Heterosexuals have had their procreation of endless

numbers of babies of no quality. Homosexuals should now have their own procreation -- one of only excellent quality babies. Homosexuals must have no concern with heterosexuals. Let the heterosexuals kill themselves with over-breeding.

Further, homosexuals should stop catering to, or serving the heterosexuals. Let the heterosexuals wave their own hair and decorate their own houses. Let their poor taste manifest and demonstrate itself. There is no sense in homosexuals trying to cover up for them. Let the heterosexual go, let them drop to their own level -- their natural vulgarity.[93]

Another provocative topic was whether gays should revolt and demand equal rights. The debate included the conciliatory view of one writer who said: "I thought you wanted to be just accepted -- not honored. I strongly suggest you decide on whether you want civil rights or a legal cult."[94]

More common, however, were manifestos for gay liberation and defiant calls to action. ONE made known its stand on the crucial issue of fighting for gay rights. The advocacy magazine stated that the editors believed their magazine was at the forefront of a revolution that had to be waged, saying: "ONE claims positively that homosexuals do not have the civil rights assured all other citizens. ONE is devoted to correcting this."[95] Many writers echoed this sentiment, implying that the gay rights movement already had begun -- at least in their minds. After referring to the brutal castration of homosexual men, Jennings stated defiantly: "As time goes on, it will happen less and less because the homosexual minority is fusing and fighting with increasing strength."[96]

One of the most militant voices was that of Jim Kepner. He wrote:

> Is our aim to pacify or to fight? Will we concentrate on activities that ignore the variance and demonstrate that we're just like any other civic group, putting the best face on things, with covert attempts to sidle up to judges and police chiefs?
>
> Or will we leave room for disagreement, but with the basic group energies attacking the present laws on customs as unjust, developing ourselves as free individuals and joining a broad defense of liberty against the dead hand of conformity?"

In another editorial, the radical Kepner presaged political events four decades in the future by calling for the country's homosexuals to march in unison to the ballot box. He wrote:

> Citizens who fail to use the ballot to protect their rights, deserve no rights. We need to claim pre-eminence for the issue of homosexual rights, to demand that unconstitutional treatment of this minority is as real and urgent a political issue as any other. Homosexuality is no longer an issue to sweep under the political rug, and the homosexual vote may in time swing a balance of power.[98]

Conclusions

Within half a dozen years of ONE magazine's pioneering efforts to create a gay press in the United States, two other publications had emerged. Convinced that the best path to civil liberties was through accommodating to the dominant society, Mattachine Review and The Ladder spoke with more moderate voices. And yet, despite their philosophical differences with ONE,

both publications adopted many of the conventions that ONE had established for this new form of alternative journalism. All three of these early gay magazines were, for example, of the same format and length."

Likewise, Mattachine Review, The Ladder, and most of the hundreds of magazines and newspapers that have followed them have continued ONE's tradition of gay publications containing a strong editorial voice, many reader-service articles, and a mix of news and fiction. In addition, those publications have benefited from ONE's courtroom victory that won the right for homosexual-oriented materials to be distributed through the mail. The several hundred publications that have created the gay press also have continued to create the dialogue, initiated by ONE, that communicates the ideology of the on-going Gay Liberation Movement.

Clearly those early publications, as well as those that have come after them, owe much to the groundbreaking work that ONE magazine accomplished some forty years ago. As Kepner recalled: "We never sold more than a few thousand copies a month, but it was the first. And it was ours."[100] Indeed, this courageous little magazine fueled the social movement that was its *raison d'etre*. By establishing a lifeline to gay men and lesbians scattered across the country, ONE helped to unify the members of a hidden minority group. Its defiant pride in homosexuality served as a lightning rod for men and women who previously had no public venue in which to speak. Through the magazine, gay men and lesbians were able, for the first time, to engage in their struggle to establish a common ground, as ONE granted gay America the voice that the mainstream press previously had denied it. At the same time, many of those opinions shook readers out of their resigned acceptance of the *status quo*. In short, ONE allowed -- and, in some cases, pushed -- gay America to begin to

come out of the closet and to take the first steps toward the social revolution that is still evolving today.

1. The Stonewall Rebellion began the night of 27 June 1969 when New York City police raided the Stonewall Inn in Greenwich Village, and hundreds of drag queens and other gay men and lesbians fought back, first by jeering at the police and then by throwing coins, rocks, bottles, and a parking meter or two. Several days of rioting followed the raid. On the history of the Gay Liberation Movement, see Barry D. Adam, The Rise of a Gay and Lesbian Movement (Boston: G.K. Hall, 1987); Dennis Altman, Homosexual: Oppression and Liberation (New York: Outerbridge and Dienstfry, 1971); Margaret Cruikshank, The Gay and Lesbian Liberation Movement (New York: Routledge, 1992); John D'Emilio, Sexual Politics, Sexual Communities: The Making of a Homosexual Minority in the United States, 1940-1970 (Chicago: University of Chicago Press, 1983); Martin B. Duberman, About Time: Exploring the Gay Past (New York: Seahorse-Gay Presses of New York, 1986); Martin B. Duberman, Martha Vicinus, and George Chauncey, Jr., eds., Hidden from History: Reclaiming the Gay and Lesbian Past (New York, New American Library, 1989); Laud Humphreys, Out of the Closets! The Sociology of Gay Liberation (Englewood Cliffs, N.J.: Prentice-Hall, 1972); Jonathan Katz, Gay American History: Lesbian and Gay Men in the U.S.A. (New York: Avon Books, 1976); John Lauritsen and David Thorstad, The Early Homosexual Rights Movement (1864-1935) (New York: Times Change Press, 1974); Robert E.L. Masters: The Homosexual Revolution: A Challenging Expose of the Social and Political Directions of a Minority Group (New York: Julian Press, 1962); Abe Peck, Uncovering the Sixties (New York: Citadel Press, 1985).

2. Although this is the first scholarly study to focus specifically on ONE, the magazine has been mentioned in several books. The most extensive references are D'Emilio, pp. 72-73, 80, 87-89, 108-10, 114-15, 118-19, 123, 158, 199. See also, Adam, p. 63; Humphreys, pp. 54, 57, 134; Katz, pp. 493, 584, 624, 963, 628; Masters, pp. 12, 77-94; Peck, pp. 5, 218; Edward Sagarin, Odd Man In (Chicago: Quadrangle, 1965), pp. 86, 89, 92. From 1953 until 1965, ONE editors had virtually complete control over the magazine. In 1965, directors of One, Inc., attempted to assert more control over the content. Most of the editorial staff then left the magazine and established their own publication, initially called ONE but later renamed Tangents. That second magazine ceased publication in 1970.

3. Author's telephone interview with Don Slater, 12 January 1993, during which Slater was in his home in Los Angeles.

4. The first gay publication in the United States was Friendship and Freedom, a newspaper published briefly in Chicago in 1925. No copies have survived and the specific content is unknown. Another early publication was Vice Versa, a mimeographed newsletter produced in Los Angeles in 1947 and 1948. Only nine issues were published, and it circulated only within a small group of lesbians.

5. Most of today's gay newspapers are weeklies published in urban centers. Their combined circulation exceeds one million. See Jonathan Curiel, "Gay Newspapers," Editor & Publisher, 3 August 1991, pp. 14-19, 38. The largest gay publication in the country is The Advocate, a glossy, four-color, bi-weekly news magazine with more than 100 pages and a circulation of 120,000. Although it is unknown exactly how many gay publications have been published in the United States during the last forty years, there is no question that the number is in the hundreds.

6. The gay press is not mentioned in Michael Emery and Edwin Emery, The Press and America: An Interpretive History of the Mass Media, 7th ed. (Englewood Cliffs, N.J.: Prentice-Hall, 1992); or Jean Folkerts and Dwight Teeter, Voices of a Nation: A History of the Media in the United States (New York: MacMillan, 1989). The two most comprehensive studies of the gay press, both from a sociological point of view, were undertaken in the 1970s but were never published. They are Harold Corzine, Jr., "The Gay Press" (Ph.D. dissertation, Washington University, St. Louis, 1977) and Alan D. Winter, "The Gay Press: A History of the Gay Community and Its Publications (M.A. thesis, University of Texas, Austin, 1976).

7. Altman, p. 41; D'Emilio, pp. 109-25; Humphreys, pp. 131-34; Peck, pp. 220-21.

8. Humphreys, p. 134.

9. Author's telephone interview with Martin Block, 12 January 1993, during which Block was in his home in Los Angeles. Johnny Button, a painter by occupation, is deceased.

10. Author's interview with Block, 12 January 1993. Other founders of ONE magazine recall the details involved in the creation somewhat differently. W. Dorr Legg, ONE's business manager, said the meeting was held in his home with some sixty persons attending. After someone mentioned the idea of a magazine, according to Legg, half a dozen of the men moved to his kitchen and continued to discuss the idea. Legg recalled the creation of the magazine during a 13 January 1993 telephone conversation with the author, during which Legg was in his home in Los Angeles. Dale Jennings, who was the magazine's second editor-in-chief, said that he was the first person to suggest creating a magazine. Jennings described his recollection of the creation during a 21 January 1993 telephone conversation with the author, during which Jennings was in his home in Glendale, Calif. On details about the founding of the magazine, see also Legg, "How ONE Began," ONE, February 1955, p. 8. All of the men involved in the founding agree that the date of the meeting at which creating a magazine was first mentioned was 15 October 1952.

11. Legg, "How ONE Began," ONE, February 1955, p. 13; Marcel Martin, "Editorial," ONE, January 1962, pp. 5-6. Jennings, who was born in Los Angeles in 1917, had attended the University of Southern California for two years. Jennings, a member of the Communist Party, was one of the five men who had founded the Mattachine Society. He worked with ONE for only two years but has continued to earn his livelihood as a writer, publishing three novels (The Ronin in 1970; The Cowboys in 1971; The Sinking of the Sarah Diamond in 1973) and writing the screenplay for a successful motion picture ("The Cowboys" in 1972). On Jennings, see Katz, pp. 623-26. Block, who was born in New York City in 1919, completed some coursework in literature and philosophy at Columbia University. Block later sold furniture and worked as an interior decorator. On Block, see Marcus, pp. 37-42. Slater, who was born in California but will not divulge his age, had completed a master's degree in English at the University of Southern California before helping to found ONE. Early editors-in-chief of ONE were Block (January through June 1953), Jennings (July 1953 through January 1954), Ann Carll Reid (February 1954 through December 1957), and Slater (January 1958 through May 1965).

12. Author's interview with Jennings, 21 January 1993.

13. Author's interview with Slater, 12 January 1993.

14. Legg, "How ONE Began," ONE, February 1955, p. 9. Beginning in November 1953, the cover added the subtitle: The Homosexual Magazine. Beginning with the June-July 1957 issue, the subtitle became: The Homosexual Viewpoint. Thomas Carlyle was a 19th century British essayist and philosopher.

15. Author's interview with Slater, 12 January 1993.

16. "Mattachines" were mysterious court jesters who performed during medieval times and who are thought possibly to have been homosexual. On the early history of the Mattachine Society, see D'Emilio, pp. 57-74.

17. Author's interview with Jennings, 21 January 1993.

18. Legg, "How ONE Began," ONE, February 1955, p. 11. Several of the men who founded the Mattachine Society were members of the Communist Party, and the organization originally had a radical orientation. By the spring of 1953, however, new leadership had taken control of the society and transformed it into a much more conservative organization. See D'Emilio, pp. 75-91.

19. D'Emilio, pp. 109, 113; Humphreys, pp. 54-56. One, Inc., published three periodicals as part of or in addition to ONE. GAY, a humor-oriented magazine, appeared as a supplement to the October 1954 and March 1965 issues of ONE.

TWO, a homosexual newspaper, appeared as a supplement to the April and May 1954 issues of ONE. ONE, Confidential was a newsletter circulated occasionally to members of One, Inc. See Marvin Cutler (W. Dorr Legg), ed., Homosexuals Today (Los Angeles: One, Inc., 1956), p. 62. Cutler was one of Legg's pseudonyms. Legg directed the corporation during its early years. One, Inc., still exists in Los Angeles, although its primary focus is on education rather than publishing. The institution offers M.A. and Ph.D.s in homophile studies. Located on a large estate, it also maintains an extensive library.

20. Author's interview with Slater, 12 January 1993.

21. Legg, "How ONE Began," ONE, February 1955, p. 10.

22. Cutler, pp. 61, 63.

23. Author's interview with Legg, 13 January 1993. Legg was born in Ann Arbor, Michigan. Although he will not divulge his birthdate, by 1928 he had earned a bachelor's degree in music and a master's degree in landscape architecture from the University of Michigan. Legg joined the Mattachine Society in 1952 and was a member of the original discussion group that decided to publish ONE. Before becoming business manager of ONE, Legg had worked as an urban planner. He was the founder and original director of One, Inc., which he continues to direct today. Legg's pseudonyms included William Lambert, Marvin Cutler, and Hollister Barnes. On Legg, see D'Emilio, pp. 87-88; Dean Gengle, "Dorr Legg: We Couldn't Have ONE Without Him," The Advocate, 17 November 1976, p. 17; Humphreys, pp. 55, 58.

24. Marcus, p. 41.

25. ONE, "Bluntly," July 1953, inside front cover; ONE, October 1953, inside back cover; ONE, May 1954, inside front cover; Masters, p. 77; Cutler, p. 61.

26. Author's interview with Legg, 13 January 1993.

27. D'Emilio, p. 88.

28. ONE, May 1954, inside front cover. According to this statement, 2,704 copies of the April 1954 issue were sold in New York City, while 2,536 were sold in Los Angeles.

29. ONE, May 1954, inside front cover; ONE, "How Many Subscribers?" December 1954, p. 28. According to the December 1954 statement, there were 276 subscribers in California and 233 in New York state.

30. ONE, "Where You Can Buy ONE," July 1954, p. 28; November 1954, p. 2; December 1954, inside front cover.

31. Author's interviews with Slater, 12 January 1993, and Jennings, 21 January 1993. Jennings's sister and brother-in-law were Elaine and Seumas Porter.

32. D'Emilio, pp. 70-71; Katz, p. 624.

33. Dale Jennings, "To Be Accused, Is To Be Guilty," ONE, January 1953, p. 13.

34. ONE, "News," September 1953, p. 17.

35. Legg, "How ONE Began," ONE, February 1955, p. 12.

36. Jim Kepner's pseudonyms included Lyn Pederson and Dal McIntire. Kepner was born in Galveston, Texas, in 1923. When he joined the staff of ONE in March 1954, he was working at a milk-carton manufacturing plant south of Los Angeles. He later became a full-time staff member, continuing to work with the magazine until late 1960. He also wrote for Mattachine Review and The Advocate, and in 1972 he founded the International Gay and Lesbian Archives in Hollywood. On Kepner, see D'Emilio, p. 88; Marcus, pp. 43-53. Marcel Martin, "Editorial," ONE, January 1962, p. 6.

37. Dal McIntire (Jim Kepner), "Tangents: News & Views," ONE, April 1958, p. 18; December 1957, p. 23; November 1955, p. 8; February 1958, p. 18; June 1959, p. 13; December 1955, p. 10.

38. ONE, January 1954, "Miami Junks the Constitution," p. 16.

39. Marcus, pp. 50-51.

40. ONE, "The Law," January 1953, pp. 21-22. The second part of the series, "The Law: A Discussion of Entrapment," was published in April 1954, pp. 7-8.

41. Elizabeth Lalo (Dale Jennings), "Must I Answer That Cop?" ONE, October 1953, pp. 3-6; ONE, "A Citizen's Rights in Case of Arrest," November 1955, p. 30.

42. ONE, April 1953, "Are You Now or Have You Ever Been a Homosexual?" pp. 5-13.

43. ONE, "The Law," April 1953, pp. 14-16.

44. ONE, "Formula," August 1953, pp. 4-6.

45. Martin, "Editorial," ONE, January 1962, p. 8.

46. ONE, January 1954, "Annual Writing Competition," insert.

47. Norman Mailer, "The Homosexual Villain," ONE, January 1955, pp. 8-12; Clarkson Crane, "Passing Stranger," ONE, April 1955, pp. 24-27. Since the publication of The Naked and the Dead in 1948, Mailer has been regarded as one of America's most important contemporary writers. During the 1950s, he embraced a leftist philosophy and was associated with Marxist intellectuals. Mailer was a leader in the New Journalism, which blended fact with drama to create a highly subjective form of reporting. Mailer's most significant achievement came in 1979 when he received the Pulitzer Prize in fiction and the National Book Award for Executioner's Song. Crane's career as a novelist spanned the 1920s to the 1950s and included publication of The Western Shore, Mother and Son, and Naomi Martin.

48. ONE, "Letter to you," January 1953, p. 3.

49. ONE, "As for me . . .," January 1953, p. 16.

50. Geraldine Jackson (Betty Perdue), "As for me . . .," ONE, January 1953, pp. 16-17. Geraldine Jackson was one of the pseudonyms used by Betty Perdue, a leader in the Mattachine Society. Perdue taught elementary school in Southern California.

51. Helen Ito (Betty Perdue), "Proud and Unashamed," ONE, January 1953, p. 6; Geraldine Jackson (Betty Perdue), "As for me . . .," ONE, January 1953, pp. 16-17.

52. M.F., "Discussion, Anyone?" ONE, February 1954, p. 11.

53. Martin, "Editorial," ONE, January 1962, p. 6. Ann Carll Reid remained editor-in-chief until Slater assumed that position in January 1958. The other woman named to ONE's editorial board in 1953 was Eve Elloree; Chuck Rowland and James Whitman also were added to the board at that time. Reid and Elloree were both pseudonyms used by two women who are still living and prefer not to be publicly identified as lesbians.

54. ONE, December 1953, back cover.

55. ONE, October and November 1954, p. 31.

56. ONE, "About Those Ads," November 1954, p. 25.

57. ONE, "About Those Ads," November 1954, p. 25.

58. ONE, November 1954, p. 31; January 1955, p. 47; February 1955, p. 47; April 1955, p. 47; May 1955, p. 23. The company advertising the men's clothing was Win-Mor, located in Hollywood.

59. Legg, "How ONE Began," ONE, February 1955, p. 12.

60. Legg, "How ONE Began," ONE, February 1955, p. 8; Martin, "Editorial," ONE, January 1962, p. 8.

61. Marcus, p. 52.

62. ONE, October 1953, front cover; Martin, "Editorial," ONE, January 1962, p. 5.

63. ONE, October 1953, front cover.

64. ONE, "ONE & the U.S. Postoffice," March 1957, p. 6.

65. ONE, May 1957, p. 22.

66. ONE, "ONE & the U.S. Postoffice," p. 9. The case went to United States District Court Southern District of California, Central Division. The case was no. 18765, Civil Order on Motions for Summary Judgment, ONE vs. Otto K. Oleson.

67. ONE, "ONE & the U.S. Postoffice," March 1957, p. 10. U.S. District Court Judge Thurmond Clarke delivered his opinion on 1 March 1956.

68. ONE, "ONE & the U.S. Postoffice," March 1957, p. 15. The case went to United States Court of Appeals for the Ninth District (San Francisco). The case was no. 15,139, ONE vs. Otto K. Oleson.

69. ONE, "ONE & the U.S. Postoffice," March 1957, p. 17. United States Appeals Court Judge Stanley Barnes delivered his decision on 27 February 1957.

70. Marcus, p. 52.

71. ONE, "ONE & the U.S. Postoffice," March 1957, p. 20; ONE, "Postal Case Reaches Supreme Court," May 1957, p. 9.

72. The case considered by the U.S. Supreme Court was ONE vs. Oleson, 355 U.S. 371. The justices announced their decision 13 January 1958.

73. D'Emilio, p. 115; Martin, "Editorial," ONE, January 1962, pp. 6-7. In siding with ONE, the U.S. Supreme Court justices simply stated that the Court of Appeals decision was reversed, citing the decision in Roth vs. United States, the first case to consider whether obscene media materials should be allowed to be sent through the mail. That earlier case, which the Supreme Court decided 24 June 1957 (354 U.S., p. 476), involved a New York man who had advertised his publishing of erotic books, photographs, and magazines by sending circulars through the mail. In their written opinion in the Roth case, the justices based their decision on interpretation of the First Amendment, stating: "All ideas having even the slightest redeeming social importance -- unorthodox ideas, controversial ideas, even ideas hateful to the prevailing climate of opinion -- have the full protection of the guaranties, unless excludable because they encroach upon the limited area of more important interests. But implicit in the history of the First Amendment is the rejection of obscenity as utterly without redeeming social importance." (p. 484) The justices further stated: "Sex and obscenity are not synonymous. Obscene material is material which deals with sex in a manner appealing to prurient interest -- i.e, material having a tendency to excite lustful thoughts." (p. 487) Finally, the justices stated: "The legality of a publication in this country should never be allowed to turn either on the purity of thought which it instills in the mind of the reader or on the degree to which it offends the community conscience. By either test the role of the censor is exalted." (p. 513)

74. Slater, "Victory! Supreme Court Upholds Homosexual Rights," ONE, February 1958, p. 17.

75. New York Times, "Supreme Court Decisions," 14 January 1958, p. 37; Richard Lyons, "High Court Rules Out City Curb on Unions," Washington Post, 14 January 1958, p. A-8. See also, John Logan, "Victory for ONE: Supreme Court Lifts Ban in Unanimous Decision," Mattachine Review, March 1958, pp. 4-5.

76. D'Emilio, p. 115.

77. Author's interview with Jennings, 21 January 1993.

78. ONE, October 1953, inside front cover.

79. Jeff Winters (Dale Jennings), "Homosexuals Are Not People," ONE, March 12953, p. 2. Dale Jennings often wrote under the pseudonym Jeff Winters.

80. Jeff Winters (Dale Jennings), "Can Homosexuals Organize?" ONE, January 1954, p. 6.

81. David L. Freeman (Chuck Rowland), "The Homosexual Culture," ONE, May 1953, p. 10-11. Chuck Rowland, who often wrote under the pseudonym David L. Freeman, was one of the founders of the Mattachine Society and also was a member of ONE's editorial board. Rowland is deceased.

82. Lyn Pederson (Jim Kepner), "The Importance of Being Different," ONE, March 1954, p. 4.

83. Donald Webster Cory, "Can Homosexuals Be Recognized?" ONE, August 1953, p. 11.

84. ONE, "Who Are We?" October 1953, pp. 17-18.

85. ONE, "Response to R.L.M.," September 1953, p. 13.

86. Damon Pythias, "Take It From Me!" ONE, March 1954, p. 10. The full article covered pp. 7-11.

87. ONE, March 1954, p. 10.

88. R.L.M., "As for me. . .," ONE, July 1953, pp. 17-18.

89. James R. Steuart, "Homosexual Procreation," ONE, March 1961, p. 8.

90. E.B. Saunders, "Reformer's Choice: Marriage License or Just License?" ONE, August 1953, p. 12.

91. D'Emilio, p. 89.

92. Allison Hunter, "Editorial," ONE, February 1960, p. 4. Allison Hunter is a pseudonym for a woman who is still living and prefers not to be publicly identified as a lesbian.

93. James R. Steuart, "Homosexual Procreation," ONE, March 1961, pp. 7-8.

94. Donald Ferrar, "As for me . . .," ONE, April 1953, pp. 18-19.

95. ONE, January 1954, inside front cover.

96. Jeff Winters (Dale Jennings), "As for me . . .," ONE, February 1953, p. 11.

97. Lyn Pederson (Jim Kepner), "The Importance of Being Different," ONE, March 1954, p. 6.

98. Lyn Pederson (Jim Kepner), "Editorial," ONE, July 1960, pp. 4-5.

99. Mattachine Review was founded in 1955; published in San Francisco, it served as the monthly magazine of the Mattachine Society until 1967. The Ladder was founded in 1956; published in Los Angeles and later San Francisco, it served as the monthly magazine of the Daughters of Bilitis, a national lesbian organization, until 1972.

100. Marcus, p. 50.

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When Surveys Failed: What Can Be Learned From the 1936 *Literary Digest* and 1948 Truman Versus Dewey Election Polling Fiascoes

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When Surveys Failed: What Can Be Learned From the 1936 *Literary Digest* and 1948 Truman Versus Dewey Election Polling Fiascoes

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This paper carries us back to 1936 and then forward to 1948 to investigate what was understood to have gone wrong by survey researchers of the time after the two most famous polling disasters of history and to compare that knowledge to what we now know about the causes of these mis-predictions.

When Surveys Failed: What Can Be Learned From the 1936 *Literary Digest* and 1948 Truman Versus Dewey Election Polling Fiascoes

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It is November 7, 1936. The latest issue of *The Literary Digest* magazine, selling for 10 cents, has reached the news stands. Its familiar red cover features an illustration of a high-kicking, male football cheerleader. The magazine's lead story complains that sirloin steak had risen to 39.1 cents per pound, up from 32.3 cents per pound in 1934.[1] The magazine's popular "Topics of the Day" column features several articles, including one about the Washington State Bar Association conducting a referendum on the legalization of flogging. A woman Justice of the Peace in Seattle is quoted as favoring the whipping post for female felons by saying, "A woman's skin is no tenderer than a man's."[2] The U.S. Social Security law is one year old and the anniversary sparks an article entitled "How This Much Discussed Law Will Work for You and Who Will Foot the Bill."[3]

Strangely, there is only an indirect reference (in the Social Security article) to the week's upcoming presidential elections. The omission is strange because the magazine had for months been ballyhooing its famous straw poll. Perhaps the editors of this soon-to-expire journal had a foreboding of the disaster that would soon come their way. The *Digest* would soon die as a result of its infamous misprediction that Alfred Landon of Kansas would swamp Franklin

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1 "Cost of Living Starts to Climb," *The Literary Digest*, November 7, 1936, p. 5.
2 "Whipping Post--Woman in Washington State Advocates It for Her Sex As Well As Men," *The Literary Digest*, November 7, 1936, p. 7.
3 "How This Much Discussed Law Will Work for You and Who Will Foot the Bill," *The Literary Digest*, November 7, 1936, p. 8.

Roosevelt in that year's presidential election. Even if they had a premonition of the approaching catastrophe, *Digest* executives, especially Editor Wilfred J. Funk, were publicly professing confidence in their prediction. Only a few months earlier the *Digest* had boasted it was "still the Bible of millions."[4] A few years earlier the magazine had claimed, "When better polls are built, the *Digest* will build them."[5]

There was ample reason for such public expressions of overconfidence. The *Digest's* name had become "almost synonymous with straw polls."[6] The magazine had conducted surveys "on every presidential election since 1920 and had correctly forecast the winner in each."[7] In 1932 the *Digest* had predicted the division of the total popular vote between Herbert Hoover and Franklin Roosevelt within 1.4% of the actual totals. This record of accuracy had earned the *Digest* believability with politicians, the public, and newspapers of the day. The *Digest* poll had so much credibility that the *New York Herald Tribune* devoted "as much space to *The Literary Digest's* results as to those of the American Institute of Public Opinion for which it was paying."[8]

The American Institute of Public Opinion's poll was the creation of George Gallup. In waning days of 1936, Gallup was a worried man. He, Archibald Crossley, and Elmo Roper were pioneers in conducting competing surveys based on scientific sampling procedures. Each pollster wrote a column. Gallup's and Crossley's polls sold to newspapers throughout the country. Roper's poll appeared in *Fortune* magazine. Only Gallup, however, had the courage to offer a money-back guarantee that "his prediction of the presidential winner would be more accurate than that of the famed, highly respected, *Literary Digest* poll."[9] Gallup's prediction

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4 "The *Digest* Poll Is On!" *The Literary Digest*, August 22, 1936, p. 3.
5 *The Literary Digest*, November 26, 1932, p. 6.
6 Claude E. Robinson, *Straw Votes: A Study in Political Prediction*, with a Foreword by Robert E. Chaddock (New York: Columbia University Press, 1932), p. 49.
7 Peverill Squire, "Why the 1936 *Literary Digest* Poll Failed," *Public Opinion Quarterly*, 52: No. 1 (Spring, 1988) : 126.
8 Daniel Katz and Hadley Cantril, "Public Opinion Polls," *Sociometry* 1 (1937): 156.
9 David W. Moore, *The Superpollsters: How They Measure and Manipulate Public Opinion in America*, (New York: Four Walls Eight Windows, 1992), p. 31.

was a publicity ploy to sell his poll, which had been in existence for only one year, to a larger number of newspapers. To do that, it had to make a reputation for accuracy. But many didn't believe in scientific polling. When the Gallup poll made its debut on the twentieth of October, 1935, it reported, according to an article a few years later in the *Saturday Evening Post:*

> A majority of the electorate thought that President Roosevelt's *New Deal* was costing too much. . . . Moreover, the institute arrogantly proclaimed that this was the first scientific measurement of the voters' minds and promised it would take similar measurements weekly on other national problems.[10]

It was those results that Gallup first marketed to newspapers in a column titled *America Speaks*. But Gallup's initial results were considered unfriendly by Roosevelt supporters. Charles Michelson, a public relations spokesperson for the Democratic National Committee, patronizingly wrote to newspapers questioning Gallup's reputation and dismissed the poll as a Republican plot to discredit Roosevelt: "You will look in vain for the name of Dr. George Gallup in *Who's Who*."[11] To determine the thoughts of the electorate, Michelson advised "all good voters" to await the *Literary Digest* poll which was "adequate, honest, unbiased, and unmanipulated."[12]

On June 11, 1936, Alf Landon was nominated by the Republicans to run against Roosevelt. Only a day later Gallup claimed that his poll would be more accurate than the *Digest's* and courageously predicted that the magazine's old-fashioned methods would wrongly show about 56% for Landon against 44% for Roosevelt. In response, the *Digest's* editor Wilfred Funk, in an open letter to the *New York Times* snapped:

> Never before has anyone foretold what our poll was going to show before it even started! Our fine statistical friend should be advised that the *Digest* would carry on with those old-fashioned methods that have produced correct forecasts exactly one hundred per cent of the time.[13]

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10 Williston Rich, "The Human Yardstick," *Saturday Evening Post*, January 21, 1939, p. 9.
11 Ibid.
12 Ibid.
13 *New York Times*, 19 July 1936. Also quoted in Rich, p. 9.

Gallup's publicity ploy succeeded and his work appeared in over 100 newspapers throughout North America. However, his money-back guarantee to newspapers meant Gallup would be financially ruined if he failed to make good his prediction.

Meanwhile, from August through October, 1936, the *Digest* mailed 10 million sample ballots to individuals The source of those names were primarily lists of people who owned cars, used telephones, and, of course, those who had voted in past *Digest* polls or purchased books from that magazine. The fact that this high-income population was more likely to vote Republican--and thus was a source of potential error--was something that the editors of the *Digest* had often been warned against. For instance, Elmo Roper, in an October 1936 article, pointed out an obvious flaw. Under a subhead entitled, "The Poor Don't Respond," Roper stated:

> It is axiomatic ...that people in the prosperous or higher economic levels avail themselves of the opportunity to express their views much more freely than do those in the lower income levels....It may be safely said that the first *Digest* returns, coming by mail from the strongly Republican sections of four normally Republican states, and indicating a large Landon majority, can hardly be considered as either important or significant.[14]

Roper went on in that article to compliment Gallup's organization for attempting to achieve balance by seeking out interviews with young voters and those in "lower income brackets." Roper then prophetically warned Republican precinct captains to not be "lulled into a state of false security" by early results of the *Literary Digest* poll, because it did not use "accurate sampling methods."[15]

Not withstanding the warnings of the scientific pollsters, *The Literary Digest* predicted a Landon victory of 370 electoral votes from 32 states. *The Literary Digest* prediction had a tight grip on public opinion of the day. Even though "The Gallup poll, the Crossley poll, the *Fortune* (Magazine) survey... showed Roosevelt winning by a landside"[16] many people instead relied on

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14 Elmo Roper Jr., "Forecasting Election Returns," *Review of Reviews* , October 1936, pp. 58-59.

15 Ibid.

16 Archibald M. Crossley, "Straw Polls in 1936," *The Public Opinion Quarterly* 1 (January, 1937) : 24.

the *Digest* poll. Indeed editors of many newspapers cabled Gallup asking him why his results were at such variance with the *Digest* and asked him what they should do with his results. Refusing to buckle under pressure, Gallup invariably replied, "Run them beside the *Digest's*."[17]

Gallup believed in his methods, but had so much riding on being right that he began to suffer from insomnia and "got paler and paler as November drew nearer." His wife, fearing for her husband's health, convinced him to leave the polling operation in the hands of employees and travel to Sarasota, Florida for a healthful pre-election October vacation. Yet Gallup couldn't stop worrying. The *Saturday Evening Post* described him as thinking at the time:

> I can't be wrong but once. If it's now, my Institute is ruined. . . . All my previous research will be suspect. It will take me years to live down the mistake, if I can ever live it down.[18]

His mood didn't improve after some of his Sarasota Republican friends, who had heard him say there was "always a reasonable doubt" in polls, reported it to Republican headquarters. Leaders there construed the comment to mean Gallup doubted his own figures. Forty-eight hours before the election, they telephoned him in Sarasota, asking permission to make an announcement of his fears. "If you do," he thundered, "I'll release the true odds on Roosevelt. They're seventy to one!"[19]

On November 2, the Gallup organization released its last results before the 1936 election:

> The American Institute of Public Opinion forecasts the re-election of President Roosevelt in tomorrow's voting, while the *Literary Digest* shows a victory for Governor Landon in the battle of the pre-election polls.
>
> The *Digest*, after sending out more than 10 million ballots, finds Governor Landon polling 57% of the major party vote and leading in 32 states with 370 electoral votes.
>
> The Institute of Public Opinion, operating on a sampling method which calls for a representative cross section of voters, predicts Roosevelt's re-election with approximately 56% of the major party vote, and shows him leading in 40

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17 Rich, p. 9 and 66.
18 Ibid., p. 66.
19 Ibid.

> states, of which 31 with 315 electoral votes are called "sure," and the others too close for positive prediction.[20]

It wasn't Gallup who was ruined, it was *The Literary Digest*. Franklin D. Roosevelt was re-elected as President of the United States with 62.5% of the vote. Gallup was off by a whopping 6.5%, but he at least had picked the winner. The *Digest* had mispredicted a Landon landslide and had missed a Roosevelt flood. Ironically, Gallup's earlier prediction of the *Digest's* error, that it would report 56% of the votes for Landon, was off by only one percent.

Where the *Literary Digest Went Wrong*

"IS OUR FACE RED," stated the *Digest* goodnaturedly in its November 14th issue in an illustration of its cover on page 17 of its *Topics of the Day* column. Editors credited the idea for the illustration to three readers who jointly wrote:

> With full and sympathetic appreciation of the rather tough spot you now find yourselves in we offer the following suggestion as a piece of strategy to turn seeming defeat into victory and put name of *Literary Digest* on every tongue in America in a most favorable manner in your next issue--print the front cover in red except for a small circular space in the center; in this space print the words "and is our face Red!" (sic) The people of America like a good sport and will like you accordingly.[21]

The letter arrived too late for the *Digest* to change its cover so it offered the illustration instead. However, the accompanying article struck a defensive tone, pointing out that in earlier elections the magazine had been correct. The unnamed author, probably *Digest* editor Funk, denied that his magazine had erred because it had underreported the "have-nots." He defensively pointed out that only one in five people to whom they had sent ballots bothered to return them.

> Why was there a preponderance of Republicans in the one-fifth that did reply? Your guess is as good as ours....
>
> ....If any of the hundreds who have so kindly offered their suggestions and criticism can tell us how we could get voters to respond proportionately...then we wish these critics would step up and do so. And with arguments more convincing

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20 George Gallup, *The Gallup Poll: Public Opinion 1935-1971*, 3 vols. (New York, Random House, 1972), Vol. 1: 39.

21 "What Went Wrong With the Polls: None of Straw Votes Got Exactly the Right Answer--Why?" *The Literary Digest*, November 14, 1936, p. 17.

> than the familiar ones about our not reaching the "lower strata" and "sampling too many Republicans." Because these two theories explain nothing: they only add to the multiplicity and confusion of words--words---words....
>
> ...We conducted our Poll as we had always done, reported what we found, and have no alibis. . . . The result was disappointing only in the sense that it threw our figures out the window and left us without even the satisfaction of knowing why.[22]

The author of the article closed by pointing out that questions had been asked about whether the *Digest* would ever conduct another poll and if so, would it change its polling methods. The writer answered: "We'll cross that bridge when we come to it."[23] It was not to be. The magazine had published its last poll. Since the *Digest* had lost its credibility, advertisers pulled their ads and readers canceled their subscriptions. "You deliberately attempted to mislead the public into climbing onto the Republican bandwagon. Please discontinue my subscription, " angrily wrote Ray F. Maag of Homewood, Illinois. "The universal belief is that your test votes were fraudulent manipulations," charged Charles Mitchell of Chicago.[24] These charges were never proven, but having lost the respect of its readers and the support of advertisers, *The Literary Digest* passed into history to be remembered not as the newsy, literate journal it was, but instead as the laughing stock of the nation.

How did the magazine go wrong? *The Literary Digest* depended on the large numbers of people in their survey to assure correct results. The magazine's editors never asked themselves: Has our sample selection biased the results? Is our target population, the voting public, defined in the same way as the sample, however large it is, that we are studying?

In his 1940 book, *The Pulse of Democracy*, Gallup wrote:

> One fundamental lesson became clear in the 1936 election: The heart of the problem of obtaining an accurate measure of public opinion lay in the cross

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22 Ibid. pp. 16-17.
23 Ibid. p.18.
24 "Letters to the Editor," *The Literary Digest*, November 21, 1936, pp. 2-3.

> section, and no mere accumulation of ballots could hope to eliminate the error that sprang from a biased sample. [25]

But there was another type of bias besides sample bias operating as well--response bias. Six months after the election, in May of 1937, Gallup conducted a national survey that sought to identify recipients of *The Literary Digest* mail-in questionnaires. He asked three main questions:

> 1. Did you receive a *Literary Digest* straw vote ballot in the Presidential campaign last fall?
> 2. Did you send it in?
> 3. Did you change your mind regarding the candidate between the time you sent it in and the election?[26]

The survey probed to determine whom the respondent had voted for in the 1936 election and asked standard demographic information including whether the respondent had a car or a telephone.

Gallup may have collected the information for his own use. The results of that poll are not reported in his book, *The Gallup Poll: Public Opinion 1935-1971,* nor were they reported in a 1938 *Public Opinion Quarterly* article billed as an "inclusive compilation of. . .surveys" from 1935 to 1938, by Gallup and Claude E. Robinson, an academic who studied polling procedures. The questions used in the Gallup survey were actually submitted to Gallup by University of Iowa psychology student Don Cahalan in the hopes of gathering material for his master's thesis. Cahalan earned his degree in 1938 based in part on Gallup's findings. Although the Cahalan research was summarized in a *Psychological Record* article the following year and later "duly noted in the *Psychological Abstracts* for 1939,"[27] his research hadn't been cited since. (Cahalan believes this occurred because the field of survey research was so new.)

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25 George Gallup and Saul Forbes Rae, *The Pulse of Democracy: The Public Opinion Poll and How it Works,* (New York: Simon and Schuster, 1940), 54-55.
26 Squire, pp. 125-133.
27 Don Cahalan, "The *Digest* Poll Rides Again!" *Public Opinion Quarterly* 53: (Spring 1989): 129-133 citing his earlier work: Cahalan and Norman C. Meier "The Validity of Mail Ballot Polls," *Psychological Record* Vol. 3, No. 1 (1939): 1-11.

This 1937 Gallup data revealed that *The Literary Digest* straw vote didn't fail simply because of sample bias. If sample bias were the sole source of the problem, the Gallup data should have revealed that owners of cars and telephones gave most of their support to Landon. However, an analysis by Cahalan of the answers to Gallup's 1937 survey revealed that while owners of cars and telephones were less supportive of Roosevelt than those who did not have either, as a group they still strongly supported him. Thus, if respondents who had both a car and a phone voted in *The Literary Digest* straw vote for Roosevelt, the incorrect results of that poll could *not* be laid only at the door of sampling bias.

Important evidence as to what really went wrong came from the answers to other questions on the 1937 Gallup study of *Digest* questionnaire recipients. These other questions asked those who received the *Literary Digest* ballots if they returned the straw ballots and if they were for Roosevelt or Landon. It was discovered that Roosevelt supporters were less likely to return their ballots than Landon supporters. This indicates that response bias was an important contributor to the *Digest's* error.

University student Cahalan developed further evidence support the response bias theory by conducting what might be history's first probability-based telephone survey. His survey was of people who lived in Cedar Rapids, Iowa and who were on the *Digest's* straw poll mailing list. Completed shortly after the election (from December 13, 1936 to February 15, 1937), it asked questions that were much the same as would be asked in the national poll by Gallup six months later. Cahalan found that of the 251 people in Cedar Rapids who received *Digest* ballots and preferred Roosevelt, only 15% said they returned a questionnaire, compared to 33% of the 282 Landon supporters. "The findings thus indicate that the much stronger bias in returns in 1936 interacted with the Republican bias in the sample to cause a fatal error in the *Digest* election procedure." [28]

In 1988, fifty years after Cahalan's work, University of Iowa political scientist Peverill Sq[illegible] somehow acquired the unpublished 1937 Gallup questions, re-analyzed them, and wrote a

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28 Cahalan, *Public Opinion Quarterly*, p. 131.

Public Opinion piece replicating Cahalan's findings. However, Cahalan was *not* cited. Then, in 1989, in another *Public Opinion* piece amusingly titled, "The *Digest* Poll Rides Again!" Cahalan pointed out his earlier work and quoted from it to answer the question as to why Republicans were more likely than Democrats to reply to the poll:

> Those who had decided to vote Republican in the election tended to view the poll as an opportunity to protest against the [Roosevelt] Administration, and likewise tended to regard the poll with more familiarity and esteem because of their generally more favorable economic status; while those who had decided to vote Democratic in the election generally lacked incentive to voice their affirmation of the administration in a poll, and tended to be more suspicious of or unfamiliar with the poll because of their generally less favorable economic status.
>
> The interrelation of political preference and economic status in 1936 is especially relevant to the failure of the poll. There was a Republican bias in the 1924, 1928, and 1932 polls. This bias presumable arose from a consistent, but not high, relationship between Republicanism and higher economic status, reflected in the poll because of the over-representation of propertied persons on a mailing list composed principally of telephone subscribers and automobile owners. The bias in the mailing list was apparently counteracted in part [in the years 1924, 1928, and 1932] by a greater proportion of return of Democrats on the mailing list, because theirs was the position...of a minority party protesting against the party in power...
>
> Moreover, the marked increase in the relationship between Republicanism and higher economic status in 1936 made for a greater Republican over-representation on the mailing list during the very year that the Republicans changed vantage points with the Democrats, becoming a minority party to whom the poll represented an excellent opportunity to protest against the party in power. Hence the two biases of over-representation of one party on the mailing list and disproportionate return of one party, instead of serving to cancel each other as they had in 1924, 1928, and 1932, became cumulative in 1936, resulting in the failure of the poll to predict the outcome of the election.[29]

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[29] Ibid. pp. 131-132.

Cahalan ended his article (and apparently has had the last word on the subject) by graciously saying that Squire's 1988 conclusion about non-response bias also deserves continuing attention by those who conduct sample surveys:[30]

> Those who conduct the most reliable surveys are concerned with this problem, and much effort is expended devising ways to cope with it. . . . Failure to properly handle participation problems can damage the results produced by any poll, but many surveys do not report or discuss their response rates. Consumers of public opinion surveys, as well as practitioners, must be reminded of this potential problem in order to avoid a future disaster like the *Literary Digest* poll of 1936.[31]

Gallup's own survey did have a significant flaw that would return to haunt him.[32] The flaw was that Gallup--and the other leading pollsters of the day-- practiced what is called quota or non-probability sampling. Their goal, according to Gallup, was to "produce an approximation of the adult civilian population living in the United States, except for those persons in institutions such as prisons or hospitals."[33] Thus his strategy was to obtain sample members from a wide range of backgrounds and conditions that were expected to influence the results. The key to accurate quota sampling, pointed out Claude Robinson, one of the first academics to study survey research in the 1930's, is to "include representatives of each class in correct proportion."[34] Here's what Gallup did in his own words:

> Prior to 1950, the samples for all Gallup surveys, excluding special surveys, were a combination of what is known as a purposive design for the selection of cities, towns, and rural areas, and the quota method for the selection of individuals within such selected areas.
>
> The first step in obtaining the samples was to draw a national sample of places (cities, towns, and rural areas). These were distributed by six regions and five or six city-size, urban-rural groups or strata in proportion to the distribution of the population of voting age by these regional-city size strata. The distribution

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30 Ibid. p. 132.
31 Squire, p. 132.
32 Earl Babbie, *The Practice of Social Research*, 4th ed. (Belmont, California: Wadsworth Publishing Co., 1986), p. 139.
33 Gallup, *The Gallup Poll: Public Opinion 1935-1971*, p. VII.
34 Claude E. Robinson, "Recent Developments in the Straw-Poll Field," *Public Opinion Quarterly* 1 (July 1937) : 50.

> of cases between the non-South and South, however, was on the basis of the vote in presidential elections.
>
> Within each region the sample of such places was drawn separately for each of the larger states and for groups of smaller states. The places were selected to provide broad geographic distribution within states and at the same time in combination to be politically representative of the state or group of states in terms of three previous elections. Specifically they were selected so that in combination they matched the state vote for three previous elections within small tolerances."[35]

Notwithstanding the pains taken by Gallup, his presidential polls in 1940, and 1944, and in the congressional elections in-between, consistently revealed a three percent over-estimation of Republican votes. Apparently Gallup's quota method sampled more Republicans than Democrats. This problem was to lead to major embarrassment to pollsters in the presidential election of 1948. . In fact, the quota method would lead to "perhaps the most famous example of error in non-probability sampling"[36] --the presidential election of 1948.

When the "Scientific" Pollsters Went Wrong

It is November 1, 1948. The latest issue of *Life* magazine, selling for 20 cents, reaches the news stands. The cover features the boyish face of the "U.S. Air Force's Top Planner, Lieutenant General Lauris (sic) Norstad." The lead story offers pictures of presidential candidates winding down their campaigns, including a photo of "the next president traveling by ferryboat over the broad waters of San Francisco Bay."[37] The photo is of Republican candidate Thomas Dewey. The *Kiplinger Washington Letter* for October 30 has stated, "Dewey will be in for eight years, until '57 . . .32-page special report on 'What Dewey Will Do' has been prepared and will be mailed to you within a week."[38] *Newsweek's* election eve survey picked Dewey with 375 to 390 electoral votes, Truman--100 to 125 electoral votes."[39] Most other magazines and newspapers believe that incumbent Harry Truman is going to be defeated tomorrow on election day. Gallup,

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35 Gallup, p. VII.
36 Gary T. Henry, *Practical Sampling*, Applied Social Research Methods Series 21 (Newbury Park: Sage Publications, 1990), p. 25.
37 "The Air Force's New Command Team: A Handsome Group of Colorful But Earnest Young Career Officers Have Replaced the Old 'Baling Wire' Boys," *Life*, November 1, 1948, pp. 87-90.
38 "Study of a Failure," *Time*, November 1, 1948, p. 63.
39 Ibid.

Crossley, and Roper, all using quota samples, have been convinced for weeks that Dewey will swamp Truman.

Instead, Truman received 304 ballots in the Electoral College and 50% of the popular vote, compared to Dewey's 189 electoral ballots and 45% popular vote. Never had the U.S. press and scientific pollsters been so wrong on the outcome of a national election. Because of early deadlines, post-election issues if many newspapers and magazines were preplanned on the assumption that Dewey would win, many newspapers and magazines had to live with after-the-fact embarrassment. David Lawrence's *U.S. News & World Report* with a November 5 date opined, "Dewey offers something new for the White House." Columnist Drew Pearson's day-after-election column began, "I surveyed the close-knit group around Tom Dewey, who will take over the White House 79 days from now. Here is the line-up..." And, of course, the *Chicago Daily Tribune* ran its infamous election-day headline, "Dewey Defeats Truman." When Truman got a copy of the newspaper he chortled, "That's one for the books." Also enjoying the humbling of the "scientific" pollsters was ex-*Literary Digest* editor Funk who had become a Manhattan book publisher: "Nothing malicious, but I get a very good chuckle out of this." [40]

Ironically, "a few prophets had the truth in their grasp but refused to recognize it," pointed out *Life* magazine wryly in a November 15 *mea coupa*. The magazine mentioned that the Staley Milling Company's "pullet poll." The Kansas City company had given the option to farmers of buying feed for their chickens in sacks labeled Democratic or Republican. "When Democratic feed pulled into a 54-46 lead, the company abandoned its poll in confusion."[41] A Denver research institute also discovered that Truman would carry that state by three percent but, disbelieving its own results, predicted a Dewey victory.

Why did the press and the pollsters go so wrong? It is important to understand the context of the time. No matter how fondly contemporary Americans look back at President Truman, it must be remembered that "at the time of the 1948 campaign, Dewey was respected as

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40 Ibid., 63-64.

41 "Press and Polls Were Wrong in a Loud Voice," *Life*, November 15, 1936. p. 42.

an efficient governmental administrator, and Truman was often disrespected as a well-meaning man out of his depth."[42] From the time he assumed the presidency upon the death of Franklin Roosevelt, Truman as chief executive was at the center of constant controversy. By midsummer 1948, the left or Progressive wing of the Democratic Party had apparently ditched Truman for Henry Wallace's third party. The right conservative southern wing of the party, in response to Truman's civil right's program, had deserted to form the Dixiecrat party which subsequently carried 39 electoral votes in the South for U.S. Senator Strom Thurmond.

Lulled by the polls, however, Dewey

> campaigned for six weeks to Truman's eight; traveled 16,000 miles to Truman's 22,000, gave 170 speeches and talks to Truman's 271. While the voters seemed to enjoy President Truman's more vigorous and down-to-earth campaign, it was generally considered a losing gesture.[43]

Convinced that Truman was going to be defeated by a wide margin, Roper stopped sampling public opinion September 9, eight weeks before the election when his poll indicated that Truman, with only 37.1% of the vote. Gallup's final survey was completed 10 to 12 days before the election. A year earlier Gallup had written, "Nine times in ten, the election results would be no different if the candidates stayed home."[44] On election day 1948, one reporter, who noted that Gallup's reputation was on the line, described the famous pollster's appearance as resembling "an animal eating its young."[45] Gallup was discovering that 1948 was the "one out of ten" he had described. [46]

In a November 23, 1948 published analysis of his error, Gallup admitted,

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42 Bernard R. Berelson, Paul F. Lazarsfeld, and William N. McPhee, *A Study of Optnion Formation in a Presidential Campaign* (Chicago: The University of Chicago Press, 1952), p. 11.
43 Ibid.
44 George H. Gallup, "They Want to Be Good Citizens," *National Municipal Review*, (January, 1947) : 29. Also cited in Gil Troy, *See How they Ran: The Changing Role of the Presidential Candidate* (New York: The Free Press), p.191.
45 [illegible]ed Steinberg *The Man From Missouri: The Life and Times of Harry S. Truman*, (New York City: G.P. Putnam, 1962), p. 331.
46 Stanley Frank, "The Poll Truth and Nothing But--," *Nation's Business*, February, 1950, p. 34.

> Early termination of interviewing is believed to have contributed substantially to the error of the Gallup forecast which showed President Truman in second place and underestimated his vote by 5.5 percentage points. . .
>
> Results of the first study point to a substantial shift of votes from Governor Thomas E. Dewey to President Truman during the closing days and hours of the campaign. There was also a continuation in the last days, of the shift from Henry A. Wallace to Mr. Truman.
>
> The number of voters who were still undecided about their choice of candidates ten days before the election was unusually large this year, totally 8.7%, or some four million people. Analysis of the past voting history of this group indicates that a high proportion had voted the Democratic ticket in the 1944 election. Mr. Truman won back to the Democratic fold a substantial part of this group. . .
>
> ...Certainly, one lesson learned is that polling hereafter must continue right up to the eve of election in order to catch any last minute shifts.[47]

Crossley, who had polled later than Roper and Gallup, had noted a rising trend for Truman but had discounted it.

> I told friends that Mr. Truman might win if the campaign ran a month longer. All my reports showed a rising Truman trend as Wallace's support evaporated and the Dixiecrat movement bogged down. To be perfectly truthful, though, I told my own family on election night that I didn't see how Mr. Truman possibly could win. Any way you look at it, I was wrong.

Reeling from the disaster, Gallup said he would turn all his data over to a group of "leading social scientists for their own analysis and interpretation."[48] Roper, admitting that he "could not have been more wrong,"[49] along with Crossley also turned their polling data over to the group of scientists who were affiliated with the Social Science Research Council and known as the Committee on the Analysis of Pre-election Polls and Forecasts. That committee was to identify other sources of error that would cause the pollsters to change their survey methods drastically.

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47 Gallup, "Gallup Analysis of Poll Error," *The Gallup Poll*, 1 (November 23, 1948 report), pp. 768-769.
48 Ibid.
49 "Study of a Failure," *Time*, November 15, 1948, p. 66.

Gallup especially needed a blue-ribbon, objective committee to absolve him of wrong doing and explain where he and the other pollsters went wrong. As the leading pollster of his day to have erred so significantly, Gallup was the target of many comic references. During the campaign third-party candidate Wallace had said, "Give Gallup enough Roper and he'll hang both of them."[50] After the election, the public ridicule intensified. For instance, during the annual Army-Navy football game, Navy, the underdog, unfurled a banner saying, "Gallup Picks Army. We can't Lose."[51] They were right. The game ended in a tie. More seriously, the trio of leading pollsters were hit with charges of stacking the results to favor the Republicans so as to cause a "bandwagon" effect. *Editor & Publisher* reported that several papers had vowed that "they would not again be caught up in a poll."[52] The Pittsburgh *Post-Gazette* canceled its subscription to the Roper poll and stated, "We won't pay any attention anymore to 'scientific' predictions and we don't think our readers will."[53] The pollsters desperately needed an endorsement of their honesty from the committee. They got it. "As far as fraud and similar questions are concerned, the committee found no evidence of it at any time and it considers such charges groundless."[54] The committee backed up Gallup, at least to a degree, by agreeing that last-minute shifts by undecided voters were partly responsible for the pollster's miscalculations; but the committee emphasized that such shifts were only part of the reasons for the pollsters' errors. In a *Public Opinion Quarterly* article as well as the book-length report, the committee took the pollsters to task for not shifting from quota sampling to probability sampling earlier:

> Past experience with quota sampling has demonstrated that it under-samples the groups having the very highest and the lowest incomes in the population. The quotas assigned for four major economic groups do not control this fully. . . .

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50 Norman John Powell, *Anatomy of Public Opinion*, (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1951), p. 18.
51 Ibid.
52 Ibid.
53 Cited in *Time*, November 15, 1948, p. 66.
54 Frederick Mosteller, et al., *The Pre-Election Polls of 1948: Report to the Committee on Analysis of Pre-election Polls and Forecasts*, (New York: Social Science Research Council, Bulletin 60, 1949), p. 313.

> There is also evidence that some of the samples of rural population were not fully representative due to inadequate control of the tendency to take people who come to town frequently or are easy to reach. . .
>
> Another defect of some of the sampling designs was the use of quotas for states based not on the population of voting age but on the actual vote in 1944. . . . The combined effect of several such defects may sometimes be of serious proportions.[55]

To salvage their credibility and to ensure their survival, the three major pollsters and others who have followed them have had to adopt a more expensive sampling method--probability sampling. Probability samples are selected in such a way that "every member of the population actually has a possibility of being included in the survey."[56] The new method was more expensive because the polling operations would have to spend more on travel, to purchase new detailed maps to use to plan their sampling strategy, and to re-train interviewers accustomed to quota sampling or recruit "new interviewers better able to carry out these new procedures."[57]

A Look Back and a Look Forward

The earliest forerunners of modern public opinion polls appear to be tallies of voter preferences by the Raleigh *Star and North Carolina State Gazette,* and the Wilmington *American Watchman and Delaware Advertiser* prior to the presidential election of 1824. Andrew Jackson won the *American Watchman* poll with 335 votes against 169 for John Quincy Adams.[58] Jackson went on to win that election. Temple University journalism professor James W. Tankard Jr. has pointed out that some researchers give "earliest forerunner" credit to the Harrisburg *Pennsylvanian* but that close examination of that newspaper's issues reveal it simply reprinted the *American Watchman* results. Tankard also states:

> The major criticism of the early polls from the viewpoint of modern public opinion measurement techniques is that little attempt was made to ascertain the opinion of

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55 Samuel S. Wilkes, et. al., "Report on the Analysis of Pre-Election Polls and Forecasts by the Committee on Analysis of Pre-Election Polls and Forecasts of the Social Science Research Council," *Public Opinion Quarterly* 12 (Winter 1948-49) : 599-628.

56 Henry, p. 17.

57 Jean M. Converse, *Survey Research in the United States: Roots and Emergence 1890-1960* (Berkeley: University of California Press, 1987) p. 209.

58 Gallup, 1940, p. 35.

> a representative sample of the total population of voters. The samples can only be described as accidental and biased.[59]

Newspaper polling appeared again in 1896. It was a time of competitive journalism and newspapers trying to get an "edge" against their competitors. Early leaders in the field of polling included the *New York Herald*, the *Boston Globe*, the *Chicago American*, and the *Chicago Record-Herald*.[60] In the 1920-1936 time period, *The Literary Digest* was the undisputed leader in conducting straw votes. The mantle of survey leadership passed to George Gallup after the *Digest's* 1936 misprediction disaster, but even Gallup and the other "scientific" pollsters proved fallible when they clung to quota sampling methods instead of switching to probability models as they were forced to do after 1948.

What has been learned from the 1936 and 1948 polling failures? Calahan's work regarding the 1936 *Literary Digest* disaster explained that besides sampling bias there was response bias, and that the response bias had two facets: non-response and over-response. And, as Squire states, even today "many surveys do not report or discuss their response rates. Readers of public opinion surveys, as well as practitioners, must be reminded of this potential problem in order to avoid a future disaster like the *Literary Digest* poll of 1936."(Squire, 1988: 132).

From the failure of the polls in the 1948 Truman-Dewey election, we have learned that it is difficult achieving truly proportional representation of all classes of the population in quota sampling and that generalizing from quota sampling leads to error. Another lesson learned was the importance of polling up to the last minute in order to detect shifts of undecided voters. Roper especially learned, to his chagrin, the importance of up-to-the minute polls. To avoid sampling error, pollsters such as Gallup, Crossley, Roper, and others who have followed them have been forced to adopt the method of probability sampling. As Professor Gary Henry explains in his book, *Practical Sampling:*

> The subjective bias of the interviewers toward selecting Republicans for interviews resulted in the error in the prediction. . . . The unintentional bias on the

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[59] James Tankard Jr., "Public Opinion Polling by Newspapers in the Presidential Election Campaign of 1824," *Journalism Quarterly* 49, (1972), pp. 361-365.
[60] Gallup, 1940, p. 36.

accuracy and credibility of polls caused polling firms to begin to use more costly probability samples.[61]

Since 1948, probability sampling has been extended to all types of opinion and consumer surveys. Because of the lessons learned from the 1936 and 1948 polling fiascoes, changes in polling techniques have been adopted to ensure that modern-day polls are accurate within stated confidence intervals. While the public has increasingly accepted the validity of polls, it is doubtful that most people understand confidence levels and other survey research limiting factors. No matter how sophisticated the polls get, there is always the chance in an extremely close election for the polls to pick the wrong candidate as the winner, even though their vote totals might be correct within stated confidence intervals. As long as the public doesn't understand survey methodology, criticism will again continue to rain down on the heads of pollsters. Still, if public opinion rules as the final arbiter of political relationships in the United States, polls will have a growing importance in American life.

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61 Henry, p. 25. Henry's full quote, the part left out and signified by ellipsis points, "even though the sample proportions matched the voting population proportions in terms of location, age, race, and economic status" is, as previously discussed above, partly in error. The committee of experts questioned whether Gallup's sample proportions matched in age, economic status, and voting tendency.

Toward a Theory of Constructivism, Based upon the Lives of Two Women Photographers

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Running head: mentoring photographers

Toward a Theory of Constructivism, Based Upon the Lives of Two Women Photographers

Despite city officials' censure of photographers during the 1906 San Francisco earthquake and fire, photographs of what took place exist. Edith Irvine and Arthur C. Pillsbury produced visual records of the events of April, 1906, in photographs taken over three and four days. A comparison of works by these two photographers reveal marked differences in approach, technique, and most relevant to this paper, expression of attitudes and perceptions.[1] Differences in expression and perception also are evident in photographs by Irvine and Pillsbury of power plants in Northern California, Irvine's taken in 1898, when she was 14 years old; Pillsbury's taken in after 1930, when he was in his sixties.

During the same period Irvine and Pillsbury were photographing California events and landscapes, George Edward Anderson and his protegee Elfie Huntington worked as professional photographers in Springville, Utah. Portraiture comprises the major portion of their work. Comparison of the works of these two photographers again reveals differences in expression of attitude and perception of their subjects.

Toward a Theory of Constructivism

Irvine and Huntington-Bagley's lives and photographs evidence the influence of constructivism, especially upon self expression in women's photography. Their biographies and work provide evidence contributing to a theory of constructivism's influence on expression of attitude in photography. Research questions driving these case studies include:

1. What are the influences of mentoring on women?

2. Does gender make a significant difference in mentor-encouraged constructivism?

3. Are some mentoring roles more important than others?

4. How does a constructivist epistemology influence a woman's expression of attitude and perceptions in her art?

The purpose of this essay is to contribute to a feminist "text," an articulation of female lives to elaborate our understanding of how women relate and contribute to social-historical reality.[2] As Ohm[3] discovered when comparing the photographs by Dorothea Lange and Ansel Adams of the evacuation and internment of Japanese Americans during World War II, stylistic approach and attitude of the photographer are reflected in the photographs they produce. In this study gender is considered for its contribution to approach, and attitude as evidenced in the photographs made of similar subjects by women and men.

A second purpose is to describe how the women's epistemology influenced their lives and works.

Epistemology appears to account for the differences between the men and women photographers described here. Based upon definitions of the ways in which women gain knowledge, both Irvine and Huntington appear to be *constructivists*.[4]

Constructivism is defined as learning to speak in a unique and authentic voice, based upon an integration of both external authority and internal experience. For women, constructivism differs from other ways of knowing in that this epistemology assumes a balance of connection with other people, or relationships,[5] and their own thoughts, judgments, and desires. Constructivists are able to invent; they are engaged in the construction of knowledge.

Mentoring is a process that enables women to become constructivists. Mentoring is defined as "a communication relationship in which a senior person supports, tutors, guides and facilitates a junior person's career development."[6] Research shows that without a mentor, women have difficulty understanding the male-dominated professions, in obtaining the sponsorship needed to identify them as highly talented, and deriving guidance for career advancement.[7]

Background

At the turn of the nineteenth century, women as photographic technicians tended to be socially acceptable. Indeed, photography opened a new employment area for women. Despite the fact that women were involved in photography from its inception in 1839, however, there is little evidence to indicate that many women were recognized for their abilities. Except for Julia Margaret Cameron, a portrait photographer who took up the art in the 1860s when she was 50, no women photographers are included in photographic histories before 1932.[8,9] Cameron used her social position to further her art and doing so is probably the first example of a constructivist to apply her epistemology to photography.[10]

The women photographers considered here came to their careers--and finally their art--through mentoring. Both Edith Irvine and Elfie Huntington-Bagley were enabled by mentors to see themselves and the system, and to put the system to their own uses. Each found herself in the position of being non-traditional in that she had no family of her own. Both at some point in their lives were in careers stereotypically female. Irvine became a school teacher, and never had her photographs published. Huntington began her photographic career as a retoucher, a technician not an artist. Mentoring enabled both women to take the epistemological steps necessary to become constructivists, at least in their photography.

HISTORICAL CONTEXT

Biographies

Edith Irvine: (1884-1949)[11,12]

Born in Calaveras County, Edith Irvine was the eldest of three children in a family of property owners. The Irvines owned mines and other real estate, much of which was lost when property records burned in the San Francisco earthquake and fire of 1906. Edith's mother discouraged marriage by either Edith or her brother Robert. (Robert married late in life, but Edith never did.) Edith was an aristocrat, a tomboy, a dedicated horsewoman.

Early on Edith became interested in photography, possibly through a young friend, Frank Peek, whose photographs appear in the county's historical newsletter at the same time Edith was becoming a photographer. She created a darkroom in the corner of her house.[13]

Prince Andre Poniatowski of Poland and his associates, as chief stockholders of Standard Electric of California, contracted with Edith to photograph the construction of the Electra Power Plant in Northern California. This was in 1898, when Edith was 14 years old. The project was completed in 1902.[14]

Family tradition claims that Edith was planning a world tour beginning April 1906. She packed her photographic equipment and materials and took a packet from Stockton to San Francisco, California and arrived just after the earthquake occurred on April 18. Somehow she found a baby carriage (a policeman would probably not suspect a woman pushing a carriage of being a photographer), loaded her equipment into it, and took pictures over a three-day period despite official sanctions against documentation of destruction caused by the earthquake and subsequent fires. She went back to Stockton, developed her photographs--from glass plate

negatives--and returned to the scene. She avoided guards, and thus having her photographs confiscated. City officials had ordered policemen to prevent photographers from revealing the magnitude of the disaster.[15]

Arthur C. Pillsbury: (1870-1946)[16]

An adventurer, raised and educated by parents who were both medical doctors, Arthur C. Pillsbury approached photography from a scientific-technical perspective. Brigham Young University's photo archival collection of his works includes black-and-white snapshots of landscapes (i.e. Yosemite valley), trees (one folder contains many prints of the same photograph of a redwood tree), hand-tinted prints of flowers, underwater coral reefs (which includes Pillsbury in underwater breathing apparatus--he invented the underwater camera he used to take the photograph), and panorama shots (San Francisco and the Great Western Power Plant in Northern California).

Pillsbury was educated by his parents as a mechanical engineer, took photographs "not so much for the photograph as for the experience."[17] He was the youngest of four children; both his parents were physicians. A successful businessman, he took photographs of interesting places and events for profit. In 1898 he sold his bicycle, sporting goods and photographic supply business, left his wife of one year, and went to Alaska. As a student at Stanford University, he had manufactured a panoramic camera with a moving lens. Pillsbury and his father traveled with the camera to Alaska to photograph life in the goldfields. When he left, he made arrangements with business owners in larger Alaskan towns to sell his photographs.

After his Alaskan experience he made photographs for post cards specializing in California missions and mountains.[17] He became a photojournalist for the *San Francisco*

Examiner until a month prior to the 1906 earthquake. He had saved his press badge, and when the earthquake "shook him out of bed,"[18] he raced to the city. Because he knew the policemen, he could go anywhere. He claimed to be the only professional photographer who "pictured" the burning city, making 5 X 7 Graflex views and panoramas.[19] His shot from the St. Francis Drake Hotel, made first on April 18, 1906, when the earthquake occurred, depicts the entire city in flames and produced a negative 44-inches long. Prints "brought in from $500 to $700 a day while the excitement lasted--some six weeks."[20]

George Edward Anderson: (1860-1928)

Mary Ann Thorn and George Anderson, parents of photographer George Edward, arrived in Salt Lake City, Utah by wagon train in 1855, converts to the Church of Jesus Christ of Latter-day Saints (L.D.S., or Mormon church). George, the youngest of nine children, began working for Charles R. Savage, photographer, as an errand boy at age 14. Three years later he opened his own gallery, hiring his two older brothers to help him.[21]

By the time he went into business for himself, photographic technology had progressed to the dry-plate stage. Exposures required less than a second, making it possible to photograph human subjects.[22] He traveled with a portable gallery throughout southern Utah, photographing people and scenery in the small towns. He established wooden frame galleries in the larger communities, and a canvas tent with a cheesecloth "scrim" in the ceiling, which he packed in a wagon, going from town to town to make his portraits. He specialized in natural settings, posing people, individually or in groups, in fields, on horses, in front of their homes, sometimes in front of a blanket hung from a clothesline. He became a noted portrait photographer, but "he saw beauty in everything he passed," according to his daughter, Eva. He captured a flock of lambs

in a barn, glowing in a spill of sunlight from an open window and captioned it, "Catch the Sunshine."[23]

In 1906, after losing Elfie Huntington and Joseph Bagley as apprentices (they went into business for themselves as Huntington and Bagley, portrait and landscape photographers[24]) he built a large permanent gallery in Springville, Utah. He planned to document in photographs the history of the Mormon church. Photography was his real ambition when he left his family in Springville to serve a mission in England for the Mormon church. He was away for seven years, three of which were spent in England. The other four years he spent meticulously photographing LDS church historical sites. By the end of his life he became driven by his obsession with photographing LDS events and sites. He became mendicant, begging for supplies from other photographers. He received no money for his efforts, and when he died, in poverty, he left tens of thousands of negatives which had never been printed.

Elfie Huntington-Bagley: (1868-1949)

Hearing impaired at age 4, after contracting scarlet fever; orphaned at age 6 when her mother died in childbirth, Elfie Huntington-Bagley could have been "silenced" for life.[25] Instead she became a portrait photographer, beloved in her community for her sense of humor and her art.[26]

As a child she showed an aptitude for art and took up oil painting. At age 14 [the same age as Edith Irvine when she became official photographer for the Electra Power Project] Elfie was apprenticed as a negative re-toucher and print hand-colorer to George Edward Anderson.[27] As a teenager Elfie went to live with her aunt and uncle, the Don C. Johnsons, who provided her a room and said it would be hers for as long as she needed it.[28]

In her apprenticeship, before becoming a photographer herself, she became a re-touch *artist*. An example of her work: when Aaron Johnson was photographed in full army regalia, an assistant turned his hat backward. Elfie corrected this fault in the photograph using a series of superimposed photographs to restore the hat to its proper position[29]. She also retouched faces, sometimes 30 or 40 in a group photograph, and removed buildings or other unwanted backgrounds. She retouched women's faces to make them more beautiful, thus taking a different philosophy from Anderson's who believed people, especially women, should be photographed as realistically as possible. According to Francis, Anderson thought women should not have an incorrect image of themselves and thus believe their worth was greater on the marriage market than it actually was.[30] Elfie, on the other hand, took the constructivist approach, considered external authority (Anderson's point of view) and her inner knowledge (she was chosen "Liberty Queen for the 1900 Springville celebration and knew the importance to a woman of being perceived "beautiful") and put the system to her own use.

Huntington posed photographs. She often arranged them with herself as one of the posers and had someone else click the shutter. She posed people informally (see Figure 7), and used her friends for group studio portraits. When she took family portraits, rather than having the family members stand in the traditional row, facing the camera, they might be outside, lying on their stomachs, grinning (see Figure 8). Her sense of humor, was her trademark.

The Role of Mentoring in the Lives of Four Photographers

Mentoring in Edith Irvine's life is suggested in the relationship with her childhood friend, Frank Peek, who mentored her as he learned with her about photography. As a tomboy, aristocratic Edith enjoyed activities such as horseback riding and roughhousing with the boys.

Edith enjoyed Peel's camaraderie and encouragement in learning photography. Her social needs were such that Peek's influence encouraged her attraction to photography.

Her mother also had a mentoring role in Edith's life. She was a sufficiently strong influence to prevent Irvine from marrying; if she had been against the photography, Irvine may never have pursued it. But her mother did encourage her by financing her purchase of equipment and supplies and providing a place for Edith to work in a corner of her home, a home in which Mrs. Irvine took great pride. Prince Andre Poniatowski, who hired Irvine when she was just 14 years old, and a recent graduate from grammar school, to document the construction of the Electra Power Station, mentored Irvine in that he saw her talent and rewarded it. Such concrete evidence as being hired, officially, must have been confirming to her self concept as a photographer. The resulting photographs are evidence of her expertise.[31] The importance of mentoring in Irvine's life is further evidenced by the turn she took after photographing the aftermath of the earthquake. As remarkable as her photographs were,[32] she did not exhibit them. The only woman photographer to document the events in San Francisco in April, 1906, she stored the glass plates away. Her nephew donated the 60 San Francisco plates, in a collection totalling 256 (evidence of what she thought of as her "hobby") to the Harold B. Library in 1988.

Elfie Huntington-Bagley's greatest mentor was her uncle, Don Carlos Johnson, who provided security, educated her, helped her learn to read and speak more clearly, and encouraged her photography so that she might become self-supporting. Johnson, a newspaper editor, sometimes actor and an outspoken critic of LDS church administration in Springville, encouraged Elfie to think for herself and to be self-supporting.[33] He met the conditions of mentoring Elfie in that he recognized her talent as an artist and guided her into a career that had more promise

of self-support than did painting. George Edward Anderson, who apprenticed her, was not a mentor in this same way. He may have recognized her talent and allowed her to learn from him, but he did not enable her career. Indeed, he could not "enable" his own. Nevertheless, from him Elfie learned photography, how to pose people for portraits. He taught her to pose scenes so they looked as if the photographer had come upon them naturally.[34] Huntington took her own direction; she went beyond Anderson's naturalism to stage her portraits, demonstrating the influence of her actor-orator uncle, Don Carlos Johnson. Her portraits and her domestic scenes, in living rooms and bedrooms, look like stills from staged dramas. She also posed people to tell stories, such as the series she called "Bachelor's Dream." Joseph Bagley, was Huntington's business partner and later, when she was 68, her husband. He was not her mentor in the sense that Don Carlos Johnson was but rather an equal and a business partner. The fact that she was his second wife, not his first, and that they married so late in life, evidence his lack of appreciation for her despite her deafness and inability to speak clearly. He valued her work; together they produced 15,000 glass plate negatives over the next 33 years.[35]

The men considered herein also had mentors. Pillsbury's parents, both physicians, also educated him, so that he was able to attend and graduate from Stanford University in engineering. Although his father went with him to Alaska, encouraging his adventurous spirit,[36] his mother had more mentoring influence on Pillsbury. A suffragette and a scientist, she was interested in education for women and valued scientific thinking. Arthur learned the feminist-social perspective (He refused to patent his time-lapse, panorama and underwater cameras because he wanted them available for people to use. He wanted to show people the world.[37]

At age 14, George Edward Anderson was apprenticed to Utah photographer Charles R. Savage,[38] who documented the establishment of the Mormon community in the West. By the time Anderson set up his own photographic studio, technology allowed Anderson to go beyond Savage, photographing people rather than scenery. From that point, Anderson appears to have defined his own dream. Although he refined his photography as art in association with partner and friend John Hafen,[39] he had no real mentors.

Mentoring for the two women served an important, separate function than mentoring for the men. Mentoring helped the women define their art and their approaches to it.[40] Mentoring for Irvine, in the form of her benefactor, gave her the confidence to approach the San Francisco devastation with the same involved perspective and attitude she used in photographing the Electra Power Plant. For Huntington, the journalistic and dramatic influence of Don Carlos Johnson, and his perception of her potential, enabled her to leave an apprenticeship that was considered to be a sanctioned, terminal position for a woman in the late 19th century, to become an artist in her own right, first as a retoucher, then as a professional.

Both women were enabled by mentors to step outside a system for their own purposes. Irvine worked around San Francisco authorities, and the traditional social demands of her time, to photograph the events of 1906. Huntington stepped beyond social strictures, defined by her gender and her deafness, which would have kept her from achieving her professional stature otherwise. The consequences of absence of mentors in the two women's lives also attests to the importance of this relationship to their perception of the world and themselves in it. Later in life, when Elfie Huntington-Bagley was left on her own, when her uncle and friends, including Joseph Bagley, died, she was less able to cope. Irvine succumbed to alcoholism.

Photography of Edith Irvine and Arthur C. Pillsbury: A Comparison

Irvine's photographs of the construction of the Electra power plant and Arthur Pillsbury's of the tunnels and power plant on the Feather River of Northern California preceded Edward Weston's of architecture and cabbages. Of the two earlier photographers, Irvine's photographs are aesthetically more pleasing than Pillsbury's.

> Like those of her three exhibition colleagues [Ansel Adams, William Henry Jackson, and Charles Roscoe Savage], Irvine's images of the project are simultaneously documentation and art. From her methodical record of the powerful struggles of man and beast to build a dam to harness the powers of nature emanates a flood of powerful images: a great drive shaft for a hydroelectric turbine, trussed on its wagon carrier like a felled and mute cannon, trailing its unconnected lifelines, gleaming in its many faces of reflected light; a grizzled, resolute, wise and even cocky old workman slumped on the back of a wagon. . . and water pipe and twenty mule teams stretching in an artist's perspective toward the horizon.[41] (See Figure 1).

Arthur Pillsbury photographed photographed the hydroelectric plant and a tunnel blasted through rock (considered an amazing feat in highway construction) for commercial reasons. His intent was to make photographs to sell on post cards, to show the scenes to any one interested, to "broaden the world for people."[42] Consequently, Pillsbury's photographs are descriptive; there is no individual style in the way he has framed or printed the tunnel or the power plant.[43]

Irvine *is* a presence in her photographs in the perspectives she selected. In photographing the teams of horses, she identifies with them and their struggle to pull a rotor shaft. She photographed the shaft from behind, showing its mass, the horses pulling, the driver not visible. Most of her photographs of the construction work include horses and/or people. Her photograph of a penstock, 8,000 feet above camp, has men standing beside the penstock to show its size.

Penstock and men are seen against a fog enshrouded background. The fog makes the scene seem to fade away, down the steep incline, into the misty valley below.

When Pillsbury returned forty years after the 1906 disaster to duplicate a panorama he had made from the St. Francis Drake (See Figure 2), his intent was commercial and journalistic: to show the outside world what happened there. Like Irvine, he wandered the streets photographing what he saw. Unlike her, he did not have to disguise his equipment; the policemen were his friends. And what he saw was different from what Irvine saw.

Probably the most touching photographs taken by Irvine in

that three-day period is the one of four horses in San Francisco's wholesale district who died of fright (see Figure 3).

> Six dead horses are so focused, so dramatic, so poignant, that we forget momentarily to include in our sorrow the driver, who, judging from the wagon, surely must also have perished. Given her love of horses, she must have been pained as she composed that shot. [44]

The photograph appeared in *National Geographic*,[45] accompanying an article about California earthquakes. Other writers have compared Irvine's photographs of the devastation to Riis' in their social commentary and power to elicit change, in her case in California's earthquake code.[46] Sontag, had she been aware of Irvine, might have called her a "surrealist historian."[47] Her photographs could be among those that alter people's minds and rearrange their lives.[48]

Irvine's photographs of the devastation include a burnt tree, a group of women sitting on their trunks, watching as a blaze devours Russian Hill (see Figure 4). She is not simply documenting; her perspective is that of one of the crowd. She expresses the devastation as if she were one of the devastated. Fires raged for three days after the quake, estimated at magnitude

8.3. Authorities, who tried to prevent photographic documentation, claimed out of a population of 400,000, there were some 490 deaths. After 25 years of research, a San Francisco archivist estimated more than 3,000 died, and Irvine's photographs are among the few that document the devastation. They also document the perfidy of the city counsel. Fallen columns before City Hall are obviously not solid marble as had been contracted. In Irvine's photographs, the columns lie in dust and shards in their marble facades.

Photography of George Edward Anderson and Elfie Huntington: A Comparison

> To be legitimate as an art, photography must cultivate the notion of the photographer as *auteur* and of all photographs taken by the same photographer as constituting a body of work.[49]

George Edward Anderson was primarily a documentarian. Toward the end of his life, that ideal was realized in his documentation of historical sites important to the LDS Church. His photographs of people, taken in natural light, were supposed to be a "master at getting people to look at ease in his photographs,"[50] they were carefully posed. People face front, stiffly (see Figures 5 and 6). Lighting is "impeccable" (see Figure 6 with technicians holding blanket as backdrop), composition is skilled, focus is precise, the print quality excellent, and so by technical standards, his photographs masterful.

Portraiture at the time Huntington and Anderson were commercially working at it was judged by another criterion as well: "In portraiture, retouching and the vulgar 'shine' have been entirely done away with, and instead we have portraits that are strong with the characteristic traits of the sitter"[51] Although both Anderson and Huntington used re-touching, "naturalism" was a goal in their portraits. Anderson interpreted this as a warts-and-all approach to his subjects. They do not smile. They are assembled, as in the photograph of the Manti family (see Figure

5). Each face is perfectly lit, all the people face forward, into the best (northern? light), including the dogs and the babes in arms.

Huntington posed her subjects to tell stories. Or to be playful. She photographed three women climbing on a rock, one helping another to climb so that the climbing woman is photographed featuring her backside (see Figure 7). It's as if Huntington purposefully pressed the shutter early, before the sitters were posed. Technically, Huntington knew how to light a face or a scene, how to focus her camera, how to print. Sometimes she paid less attention to these technicalities than to the story she was telling.

She, herself, is present in many of her photographs. She set the scene, including the place she would take in it, then have someone else click the shutter. Her shadow appears in a portrait she made of a young girl sitting on a porch (see Figure 9). Considering her portrait of a young man, his prosthetic legs resting unattached beside his chair (see Figure 10), one writer compares Huntington to Diane Arbus, "who in her intensity to describe the fringe of society gave us many unsettling visual experiences." [52] The difference between Anderson and Huntington is the one noted by Sontag in describing the difference between the photograph conceived as a "true expression," and the one intended to be a faithful recording. Huntington represents the former: her photographs are by one who is "a homeless private self astray in an overwhelming world--mastering reality by a fast visual anthologizing of it."[53] For Anderson, photography was as Sontag said, "a means of finding a place in the world, by being able to relate to it with detachment--bypassing the interfering, insolent claims of the self."[54] The two points of view, as contradictory as they seem, are avowals for photographing things as they are. For Huntington,

women were more real when they were being themselves--mending their underwear in the bedroom (see Figure 11), in the parlor entertaining visitors (suitors?), or preparing for sleep.

Conclusions

The two women photographers considered in this essay did not lead conventional lives in that they did not marry (unless you count Huntington's six-week marriage at age 68); neither had children. They expressed themselves in photography. The results are considered aesthetically pleasing, worth exhibiting and publishing, although the men were both more widely acknowledged than the women (Irvine was not exhibited until 1990. Neither woman allowed other people's ways to "get between them and their own vision,"[55].

Except for her personal vision, either woman would have been dismissed as a spinster or maiden aunt during her times. Instead whatever else they may have been considered, both were able to transcend the system in place and produce art, according to the way each saw the world, from her own, personal perspective.

They were able to do this because of the vision they held of their own abilities, faith in their self-efficacy, recognition of opportunity when presented. They were mentored by care givers and employers who saw their potential, believed in their artistry, and encouraged them to go with their visions.

1. Photographs discussed in this article are located in the Historical and Photographic Archives of Brigham Young University, Provo, Utah.

2. Carolyn G. Heilbrun, *Writing a woman's life* (New York: Ballantine, 1989) 45-47.

3. Ohm, Karin Becker, "What You See Is What You Get: Dorothea Lange and Ansel Adams at Manzanar," *Journalism History*, 4:1, Spring 1977, 15, 19-22.

4. Constructivism is at the highest level of an epistemological hierarchy theorized by Mary F.Belenky, Blythe M. Clinchy, Nancy R. Goldberger and Jill M. Tarule, in *Women's Ways of Knowing: The Development of Self, Voice, and Mind* (New York: Basic Books, Inc. 1986), 15.

5. Carol Gilligan, *In a different voice* (Cambridge, Mass.: Harvard University Press 1982), 7.

6. Susan E. Kogler Hill, Margaret Hilton Bahniuk and Jean Dobos, "The Impact of Mentoring and Collegial Support on Faculty Success: An Analysis of Support Behavior, Information Adequacy and Communication Apprehension," *Communication Education, 38*, 1989, 16. The role of mentoring in women's lives is considered by Albert Bandura, "Self-efficacy: Toward a Unifying Theory of Behavioral Change," *Psychological Review, 84* (2) 1977, 191-215; Gail Hackett and Nancy E. Betz, "A Self-Efficacy Approach to Career Development of Women," *Journal of Vocational Behavior, 18*, 1981, 326-339; and Lucia A. Gilbert and Karen M. Rossman, "Gender and the Mentoring Process for Women: Implications for Professional Development," *Professional Psychology: Research and Practice, 23* (3) 1992, 233-238.

7. Raymond A.Noe, "Women and Mentoring: A Review and Research Agenda," *Academy of Management Review, 13*, (1), 1988, 65.

8. In *A Woman's View: The Photography of Elfie Huntington (1868-1949)*, a program printed for exhibit at Springville Museum of Art and Atrium Gallery, Salt Lake City Public Library (1988). The author claims that women photographers "gained recognition for their work from the beginning" (p.4). Except for Julia Margaret Cameron no women photographers are included in photographic histories before 1932; see, for example Beaumont Newhall, *The history of photography: From 1839 to the present day* (The Museum of Modern Art, New York: Simon and Schuster, 1949); and Peter Pollack, *The Picture History of Photography: From the Earliest Beginnings to the Present Day*, (New York: Harry N. Abrams, Inc., 1969).

9. Group *f*/64, with Imogen Cunningham and Sonia Noskowiak as members, was formed in 1932. Lady Elizabeth Eastlake, the first president of the Photographic Society (later the Royal Photographic Society) wrote about photography as art and may have been

an amateur photographer, but her works are not included in histories of recognized photographers. See Vicki Goldberg, *Photography in print: Writings from 1816 to the present* (New York: Simon and Schuster, 1981).

10. Cameron took photographs of her friends, apparently by intimidating them. Cameron's husband was a British civil servant, which placed her in a position to entertain famous friends and use her social situation in her art. She invited painters to help her define her art, but the final product is her own invention: the interpretation of great personalities. She did not let the technology, including badly made lenses, get in the way of the portraits she was attempting to make, a process which she described as follows: "When I have had such men before my camera my whole soul has endeavored to do its duty towards them in recording, faithfully, the greatness of the inner as well as the features of the outer man. The photograph thus taken has been almost the embodiment of a prayer" (from Newhall, 1949, p. 81). Such intense identification evidences a connectedness, but her attachment to a self-defined goal, using her internal experience and knowledge to reach the goal, and the photographs that resulted which are counted among the great examples makes Cameron a *constructivist.*

11. For biographical information about Edith Irvine and guidance through the photographic archives at Brigham Young University, which include Irvine's original photographic glass plates, I am indebted to Wilma Marie Plunkett-Barstow, supervisor of photo archives.

12. Wilma Marie Plunkett, *Edith Irvine: Her life and photography.* Unpublished master's thesis, Brigham Young University, 1989, 8.

13. Edith Irvine's collection of photographs, original glass plates and equipment, are located in the Archives at Brigham Young University.

14. No records of correspondence between Prince Poniatowksi and Edith Irvine have been found. How he became aware of photographs, and her ability, is speculative. The Irvine family was prominent at the time the power plant was built.

15. Irvine's photographs depict destruction of buildings and other material damage, no dead bodies appear in her work except those of the four dead horses photographed in the market.

16. I am indebted to Steven D. Harrison and to Melinda Pillsbury-Foster for biographical information about Arthur C. Pillsbury, related by telephone and correspondence. Harrison has collected photographs and information about Pillsbury for a biography; he has published several articles. Pillsbury-Clark, Arthur C. Clark's grand-daughter, has done extensive genealogical research about the family.

17. Information about Arthur C. Pillsbury is from Steven Harrison, "His Camera was His Gold Mine: The Alaska Photographs of Arthur C. Pillsbury," *The Alaska Journal*, 1980, 48-53; and from personal correspondence by telephone and letter.

18. From a handwritten autobiography copied by Stevėn D. Harrison December 1978. Original in the Pillsbury Collection, Pacific Film Archive, University of California, Berkeley.

19. Apparently Pillsbury did not know about Arnold Genthe, or perhaps he considered only journalists to be photographic professionals.

20. Pillsbury's handwritten autobiogrpahy, copied by Steven D. Harrison. (See note 18)

21. Nelson B. Wadsworth, *Set in stone, fixed in glass: The great Mormon temple and its photographers* (Salt Lake City: Signature Books, 1992), 178.

22. Wet-plate photography required longer exposure time 15 to 30 seconds. Unless human subjects remained motionless for that time, their images were blurred or totally absent on the negative. For this reason, photographers such as Savage tended toward pictorial photography, featuring great sweeps of geography.

23. Wadsworth, 185.

25. Wadsworth, 203.

24. Belenky et al., Chapter One.

25. For biographical information and photographs by Elfie Huntington Bagley I am indebted to Rell G. Francis, a photographer living in Springville, Utah, where Elfie lived and worked.

26. "A Woman's View," 4.

27. Tess Hines Garrison and Rell G. Francis, "Elfie Huntington-Bagley: Lady Photographer," *Mountainwest*, January 23, 1977, 23.

28. Garrison and Francis, 23.

29. Personal Communication, Rell G. Francis, Feb. 13, 1993.

30. Visitors to BYU photo archives who have seen prints made from Irvine's glass negatives have exclaimed "what an eye she had." Personal communication, Wilma Plunkett, 1993.

31. Dennis Rowley (Essay) *The beautiful illusion of substance: Four Photographers and the American West.* An exhibition selected from the BYU Photo Archives, Harold B. Lee Library. Provo: Friends of the Brigham Young University Library, 1990. Rowley claims Irvine's photographs "worthy to adorn a gallery wall alongside the mountains, rocks, moons, and mudflats of the great master, Ansel Adams," 9-10.

32. Francis, op. cit.

33. Anderson's photographs in rural Utah of animals, people, farms and home must have made an impression; when Elfie Huntington and Joseph Bagley set up their own gallery they advertised "If you wish a pictures of your home, barn, animals or anything else, let us know and we will please you" (*Springville Independent*, November 19, 1903).

34. Although Elfie Huntington eventually married and became, at 68, Elfie Huntington-Bagley, at the time she was photographing she was unmarried. For this reason when her photographs are discussed herein she is referred to as Elfie Huntington.

35. Steven D. Harrison, 48-53.

36. According to Melinda Pillsbury-Foster, Harriett Pillsbury established the cultural direction her son took. He valued intellectualism in women for the remainder of his life. Telephone conversation, May 27, 1993.

37. *Ibid.*

38. Savage was one of the photographers to document the meeting the Union Pacific and Central Pacific Railroads at Promontory Point, Utah, in 1869, celebrated with the driving of the golden spike. His photograph appeared as a woodcut in *Harper's Weekly* (Wadsworth, 84.)

39. Wadsworth, 186-187.

40. Ohm, 15.

41. Rowley, 9.

42. Pillsbury-Foster, May 27, 1993.

43. Susan Sontag, *On photography.* (New York: Double Day, 1977), 133.

44. Rowley, 10.

45. Canby, Thomas Y. (1990) California Earthquake--Prelude to the Big One?" *National Geographic* (May, 1990), 92-105.

46. Rowley, 11.

47. Sontag, 58.

48. Vicki Goldberg, *The power of photography: How photographs changed our lives,* (New York: Abbeville Press, 1991), 7.

49. Sontag, 137.

50. Wadsworth, 185.

51. Alfred Stieglitz, (1899), "Pictorial Photography," in Beaumont Newhall (Ed.) *Photography: Essays and images,* (Boston: New York Graphic Society, 1980), 163.

52. "A Woman's View," 5.

53. Sontag, 119.

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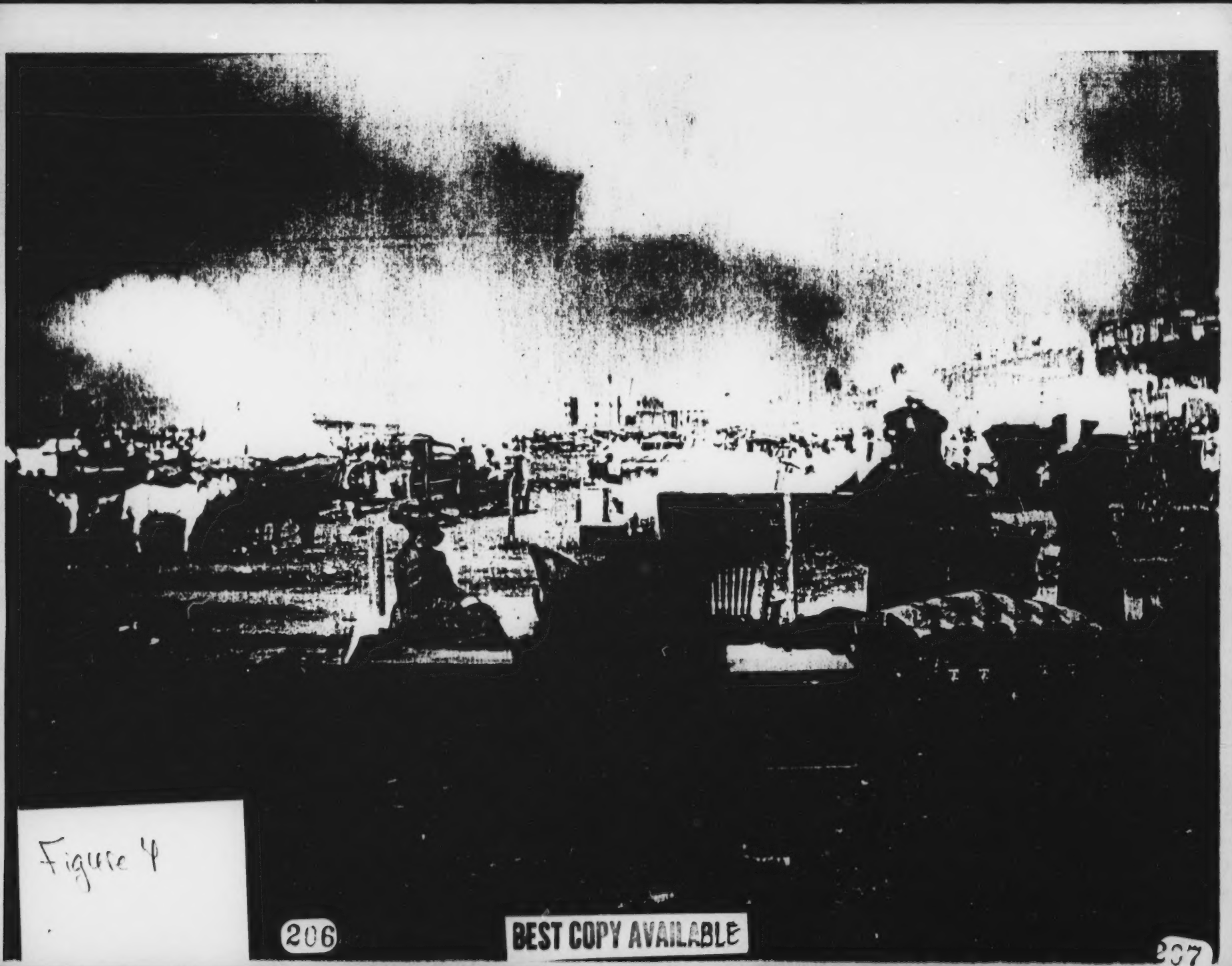

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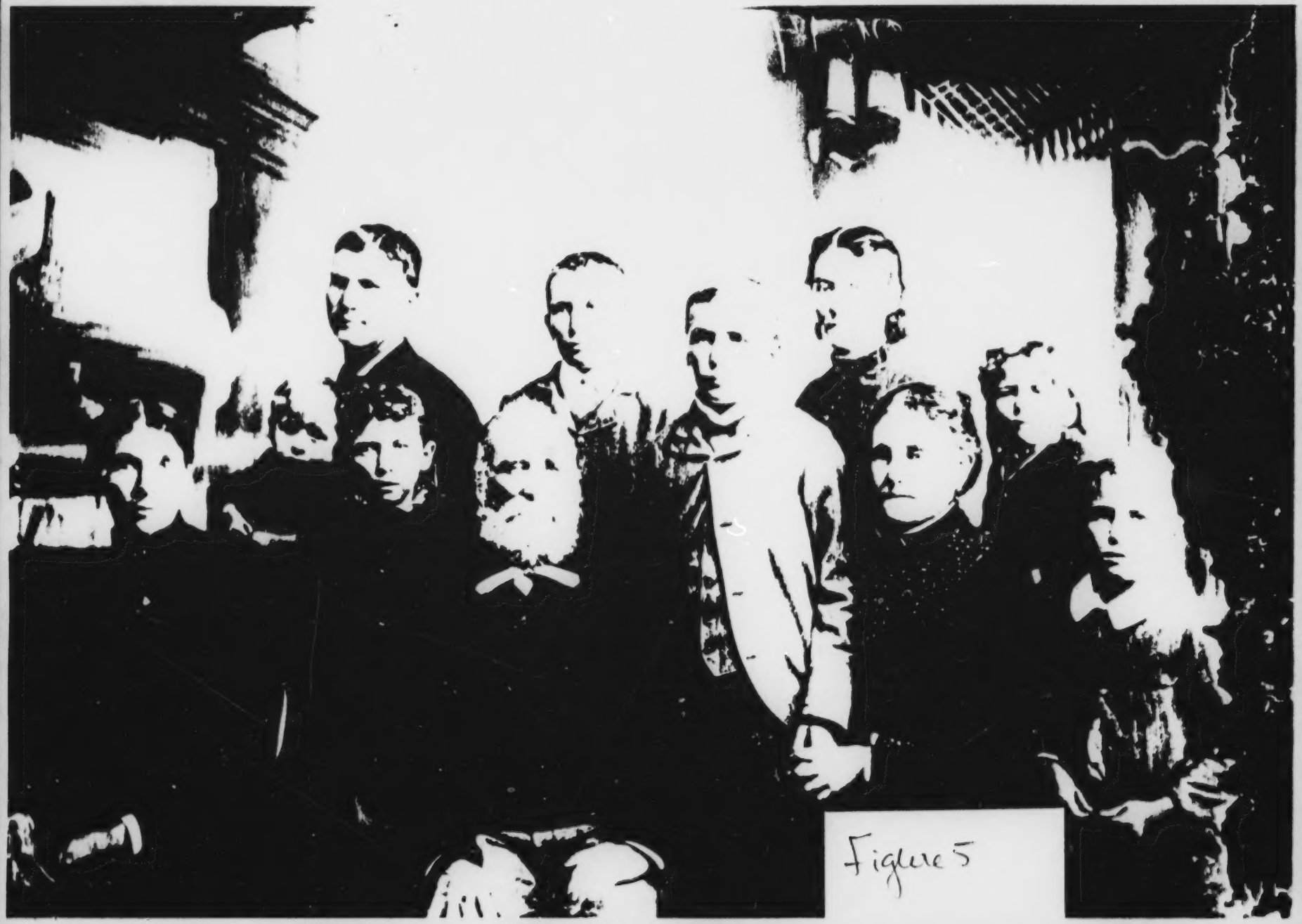

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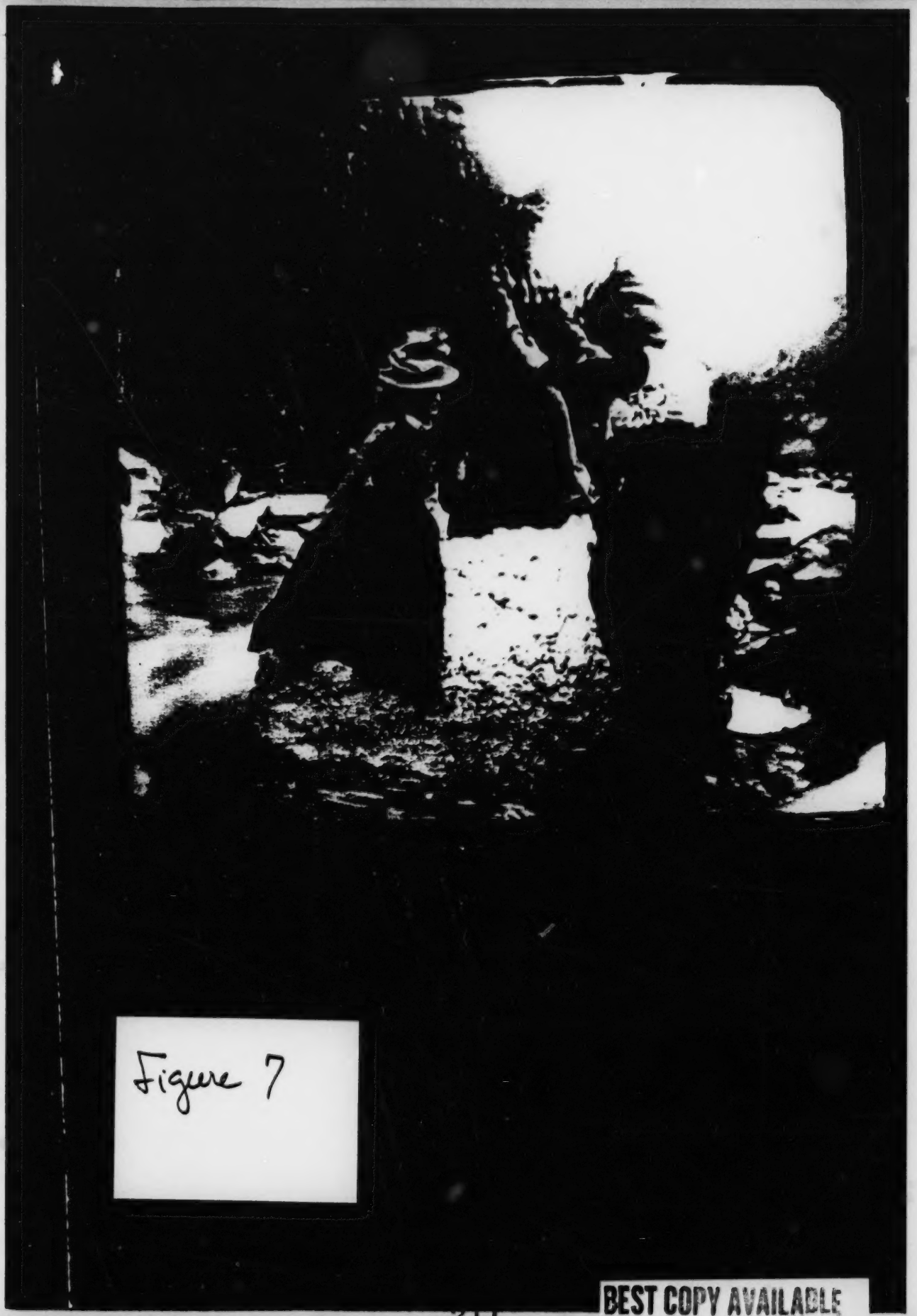

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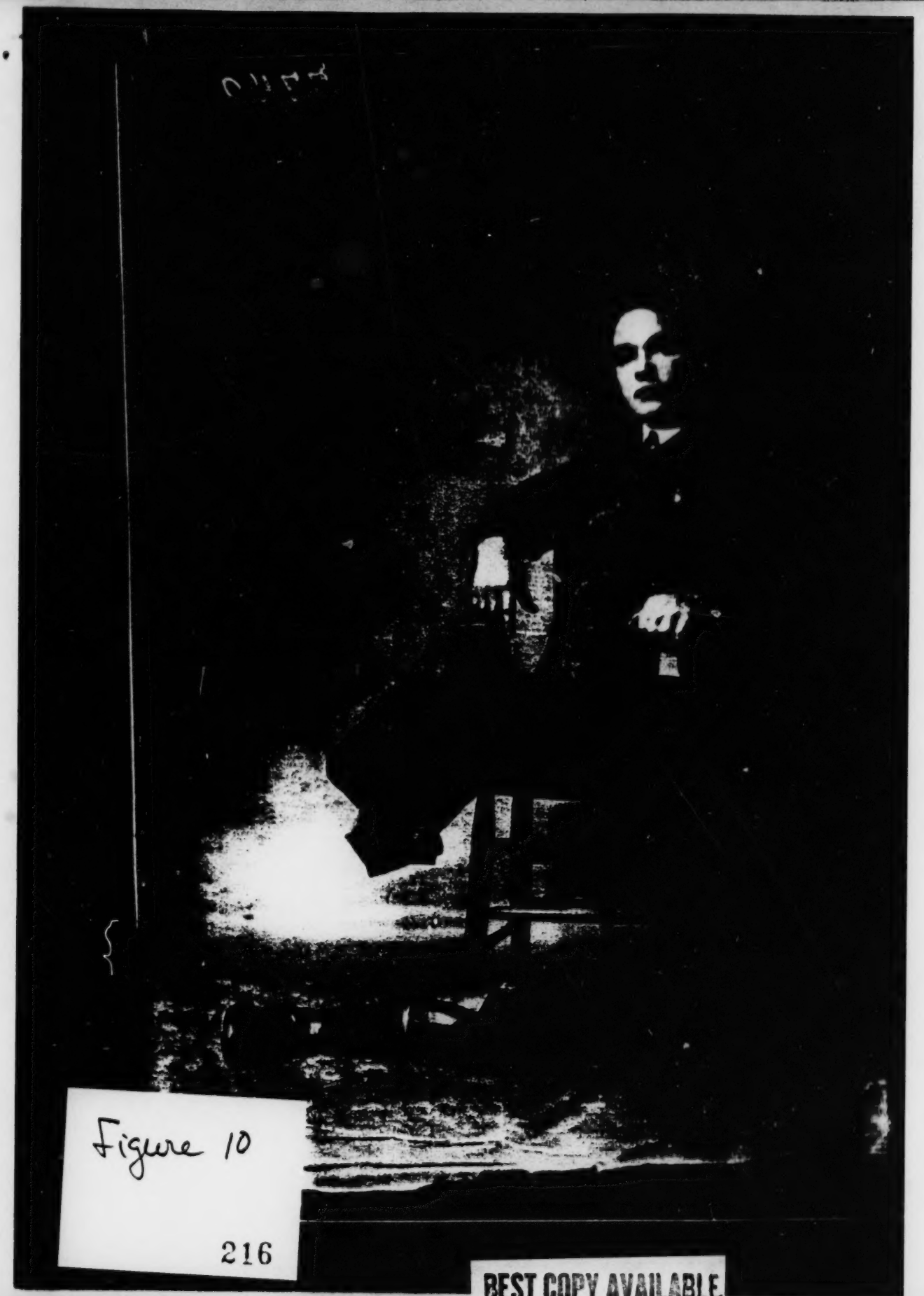

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Defining the Modern Indian: Lee Harkins and *The American Indian*

A Paper Submitted to the
American Journalism Historians Association

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Abstract

**Defining the Modern Indian:
Lee Harkins and *The American Indian***

This study analyzes the role of Lee Harkins and his magazine, *The American Indian*, in the promotion of a progressive, thoroughly assimilated Indian identity in Oklahoma in the 1920s. Harkins, a mixed-blood Indian of Choctaw-Chickasaw descent, established the magazine in Tulsa to promote Indian causes in Oklahoma and beyond. Harkins published 51 issues over a five-year period, emphasizing news, popular histories, profiles of native leaders, poems and Indian legends. More significantly, *The American Indian* advanced a "modern" view of Native Americans, including four related themes: (1) an idealized Indian past; (2) paternalism toward traditional Indians; (3) pan-Indianism; (4) and Indian mainstreaming into the dominant culture of education, business, politics and society. To Harkins, this "progressive" philosophy made sense in Oklahoma and reflected the state's political and social evolution from undeveloped Indian Territory to a modern society driven by commerce and industry. Harkins failed to see the negative side of assimilation and *The American Indian* ignored the long-standing social and cultural problems of traditional Indians in Oklahoma and other western states.

Defining the Modern Indian: Lee Harkins and *The American Indian*

The first page of the first issue of *The American Indian* in October 1926 included a photographic portrait of one man, formally posed in a chair and adorned in his finest ceremonial dress. The man was Chief Bacon Rind, an Oklahoma Indian described on the magazine's cover as a "Nationally Known Osage Indian Character and Orator." As explained inside the magazine, the 72-year-old chief was "perhaps the most picturesque Indian in the United States" and a skillful orator in his native tongue. Editor Lee Harkins, a young Oklahoma Choctaw-Chickasaw man who had a number of Osage supporters, seemed to view Bacon Rind as a link between the old ways of the native past and a fully assimilated, white-dominated future. Harkins wrote that Bacon Rind "remembers very vividly when they barely eked [sic] out a living in the Osage hills and streams." But, as Harkins made clear, progress in the form of "white man's culture" had come to the Indians of Oklahoma. "It has brought about a wonderful change in the last few years and is essential for the younger generation of Indians," Bacon Rind told the young editor.[1] Thus Lee Harkins, out to make his mark in Native American journalism, found an appropriate symbol for his progressive ideas in the image of an aging Osage chief. Here was a man who embodied both pride in the past and a progressive spirit of the future, the two ideas that motivated Harkins and dominated the pages of *The American Indian.*

The purpose of this study is to assess the role of Lee Harkins and his magazine, *The American Indian*, in the promotion of a progressive, thoroughly assimilated Indian identity for Native Americans during the early twentieth century. Published from 1926 to 1931, *The American Indian* was devoted to a "modern" view of American Indians and was part of a larger assimilationist movement in the United States. The research situates Harkins and his publication within the peculiar history of the Five Civilized Tribes of Indian Territory (now Oklahoma) and their changing status under federal Indian policy. The study describes the key ideas of the progressive Indian identity promoted by *The American Indian* and contrasts these ideas to competing ideas about the role of the modern Indian. The research concludes with a critical evaluation of this vision of the modern American Indian.

Oklahoma Indians and Their Times

The development of a progressive Indian identity in Oklahoma was the result of a host of political and economic changes extending over several decades. Perhaps the two most important changes were the result of the General Allotment Act of 1887 and Oklahoma statehood in 1907. The General Allotment Act, known as Dawes Act after its sponsor, was intended to help native people become assimilated and productive participants in the dominant society. The main mechanism for achieving this goal was the allotment of tribal lands to individual Indians, a process meant to reduce tribal influence and foster economic self-sufficiency. As land-owning

farmers, Indians were supposed to learn good work habits, become educated and gain U.S. citizenship.[2]

Unfortunately for the Indians, the Dawes Act also allowed whites to buy "surplus" tribal land. This provision significantly reduced Indian land holdings in Oklahoma and across the nation. Moreover, white settlers and speculators in Oklahoma found ways to skirt the legal safeguards of the act and take control of individual allotments.[3] As a result, about 20 million acres of eastern Oklahoma, land once owned by the Cherokees, Creeks, Chickasaws, Choctaws and Seminoles, was stripped from Indian control and many whites grew rich from the agricultural, timber, mining, and mineral rights illegally obtained from Indian lands. Without land or the skills necessary for modern life, many Oklahoma Indians fell into poverty.[4]

Statehood further undermined tribal identity in Oklahoma. Although the leaders of the Five Civilized Tribes fought against statehood, the desire for new land produced political pressure both within Indian Territory and in Washington in favor of statehood. Moreover, statehood led to the disbanding of tribal governments, a move which left Oklahoma Indians without their traditional form of culture and power. The battles over allotment and statehood also divided the five tribes. Progressives and mixed-bloods usually favored the changes; conservatives and many traditional full-bloods resisted them. Although the progressives rationalized their actions by citing the inevitability of progress, the results of these assimilationist policies were not always as they anticipated. The loss of land and tribal structures did not produce civilized farmers; instead, it produced a class of dispossessed natives, forced to

surrender their own traditions but unwilling or unable to join the dominant culture. "The Oklahoma Indian was asked to sacrifice many of the best parts of his culture for the worst parts of the white culture," Oklahoma historian Rennard Strickland concluded.[5]

Harkins and his times: Lee Harkins was heir to this complex political heritage. Born of mixed-blood parents in 1899 at Boggy Depot in the Choctaw Nation of Indian Territory, he was Choctaw on his father's side, Chickasaw on his mother's.[6] Both sides of his family were tribal leaders and Harkins traced his family back to his great-great-grandfather, David Folsom, who served as a interpreter for the great Choctaw chief Pushmataha in the early 1800s. Harkins was proud of the fact that Folsom printed the first Choctaw newspaper, the *Telegraph*, in Mississippi in 1848. Another relative, a great-great uncle named George W. Harkins, was selected by Choctaw leaders to explore Indian Territory in advance of the tribe's removal from Mississippi. Harkins was immensely proud of his ancestors, a fact which influenced the kind of Indian history he later celebrated in his magazine.

Harkins was educated in public schools in Oklahoma, attending Murray School of Agriculture and Sulphur High School.[7] His journalism career began at 15 when he got a job as a printer's devil at the Coalgate *Record-Register*, a weekly he later edited. Harkins was a journalism student at the University of Oklahoma from 1920-23, editing an Indian issue of the campus humor magazine. He worked briefly for the Norman *Transcript* and as a printer at the *Daily Oklahoman* in Oklahoma City. In 1923, Harkins left the

university and took a job in the composing room of the Tulsa *Tribune*, where he remained the rest of his career.

Harkins' Oklahoma upbringing influenced his view of the modern Indian. Unlike Indians in other western states, Harkins did not grow up in a traditional way on an isolated reservation. For reservation Indians, assimilation often meant a full-scale attack on tribal customs. Native traditions and languages were suppressed and Indian children were forcibly removed from their families and sent to government boarding schools. "The word assimilation was not an abstract, remote concept," one western historian noted. "Rather, it was an active philosophy, with tremendous power to break up families and even take the lives of children."[8] By the mid-1920s, the disastrous results of such assimilation policies had produced a counter-trend among reservation Indians and their white supporters. Led by Indian activist John Collier, later Commissioner of Indian Affairs under Franklin Roosevelt, this reform movement opposed assimilation in favor cultural pluralism and "Indian rights in such matters as self-government, religion, and civil liberties...."[9]

Harkins and the Indians of eastern Oklahoma were not part of this movement. As mixed-bloods long prominent in the tribe, the Harkins family and other Oklahoma mixed-bloods were convinced of the benefits of white contact. Even as a young man, Harkins saw the Indian future in the mainstream world of education and business. A journalism assignment from his OU days illustrates this philosophy. In a four-page essay called "The Modern Indian," Harkins reviewed the history of the Choctaws and Chickasaws in Mississippi and in Indian Territory. But the focus of the article was on the progressive

nature of the tribes, a progress achieved through Indian-white "amalgamation." The past was dead and gone, Harkins made clear, and a new world of success and prosperity awaited:

> There are no flapping of teepee doors, no cradle-boards rested against the seasoned trees, no sound of the war-whoop and no more 'stomp-dances' for they have all passed out of existence, and instead, white man's ways and inventions have replaced them.[10]

The article concluded by describing the contemporary Indian: "Today he is a proud father and is either a professional man or a modern farmer." Moreover, his children "can be found in all avocations or vocations—from the southern farm to the California stage and holding high government positions."[11] At 24, Harkins was thoroughly assimilationist, a view that shaped the editorial philosophy of his magazine.

'A True Reservoir of Indian Life'

The American Indian was published as a monthly magazine, though it was roughly the size and shape of a tabloid newspaper. Issues were 20 pages, including a two-color front cover. The magazine's nameplate symbolized Harkins' view of the Indian past and present. The left side showed an Indian encampment with three tepees. The center included a buffalo in front of two American flags, attached to staffs topped with Indian artifacts, one a tomahawk, the other a pipe. The right side of the nameplate showed a photograph of the Tulsa, grandly described by Harkins as "a panoramic view of the

towering skyline of Tulsa."[12] Since Harkins worked in downtown Tulsa, it seems clear that he saw the city as the place for the Indian present—and future.

Harkins wanted his magazine to be both a source of news and a place to celebrate the Indian past. In the first issue, Harkins wrote that the magazine would be "devoted to the presentation of every day Indian news and the preservation of Indian lore." He added, "The chief aim of this magazine is to become a true reservoir of Indian life and history based upon authentic articles from our Indian and white writers."[13] This was a decidedly simple idea of Indian history and, as we shall see, one of Harkins' most serious limitations as an editor.

Harkins' idea of news was also conventional. He was primarily a booster of Indian progress and he used the news columns to win friends and supporters. This explains why Harkins regularly published photographs of Indian children and was fond of Indian "princess" photos on the magazine's cover. Many news stories concerned native achievements or profiled important personalities. In the November 1926 issue, for example, Harkins ran a profile of T.J. Leahy, a lawyer for the Osage tribe lawyer who had married into a prominent Osage family. The same issue included a profile of Iva Thorpe, widow of the great Sac and Fox athlete. Both stories were flattering to their subjects. Harkins also opened the magazine to poetry and Indian legends, publishing the contributions of a variety of Indian and non-Indian writers.

From the start, Harkins aligned himself and his magazine with the business community in Tulsa and northeast Oklahoma. This position undoubtedly helped sell advertising and the early issues of

The American Indian offered a wide variety products and services: automobiles, shoes, luggage, sweets from a Tulsa confectionery, jewelry, men's and women's clothing stores in Pawhuska, the county seat of nearby Osage County, and so on. Some of the ads were "good will" ads, designed less to bring in customers than to support Harkins in his new venture. These included ads for various oil companies and banks, including Gibson Oil Company, Skelly Oil, Barnsdall Refining Company, and First National Bank of Tulsa. In 1928, Harkins even sold space to some even individuals, ads that said simply "Compliments of John Whitehorn."

Several months before his first issue, Harkins attempted to sell stock in the enterprise. A "Subscription Agreement" dated April 21, 1926, shows that Harkins sought to raise $20,000 by selling shares for $50 each in "The American Indian, Inc." The papers, drafted by the Tulsa law office of Samuel Boorstin, established the magazine as a corporation "for the purpose of publishing a magazine dedicated to the interests of the American Indian and for preserving and maintaining Indian ideals and culture in the United States." The agreement shows that Harkins raised only $900, all from residents of Pawhuska, the Osage tribal headquarters. The agreement also shows that unless Harkins could raise one-half of the money by the August 1, 1926, "this subscription shall be void and of no effect."[14]

This fund-raising effort apparently failed, because Harkins tried again in January 1927, when a similar agreement was created. As before, the goal was $20,000 and shares were $50 each. Only three subscribers signed this agreement, but each pledged $500. The subscribers were T. J. Leahy of Pawhuska, who had pledged $250 in

the earlier offering, and two prominent Tulsans, G. S. Kennedy and P. J. Hurley. Both Kennedy and Hurley were associated with Tulsa's First National Bank.[15] Not coincidentally, the January 1927 issue included two full-page ads for the bank. The ad included a discussion of some of the bank's officers and investors, including Hurley and Kennedy. The ad identified "Colonel Hurley" as former attorney for the Choctaws and a popular Oklahoma Indian, as "shown by the fact that every time they hold a meeting he is nominated for some office."[16]

The other major supporter was Dr. S. G. Kennedy, identified in the ad as an "89er and [who] homesteaded where the Kennedy building is now located [in downtown Tulsa]." Kennedy's wife is not mentioned in the ad, but his children are identified as members of the Osage tribe. "Dr. Kennedy has been very instrumental in the wonderful growth of Tulsa," the ad read.[17]

Harkins' second subscription campaign apparently failed too, because the next year Harkins' asked Kennedy and others to *donate* $500 to the magazine. Kennedy also helped in this cause, writing letters of introduction to people such as to H.[?] H. Wentz, an oilman from Ponca City, Oklahoma. Kennedy's letter to Wentz dated January 11, 1928, commended Harkins as "a very able journalist." Kennedy concluded, "A few of us old timers that are interested in the history of the Indians...are endeavoring to finance Mr. Harkins to incorporate this magazine, and each is donating $500.00 for that purpose and wish to have you join us in this enterprise."[18]

Despite these efforts, the magazine struggled financially. Advertising was always a minor part of each 20-page issue, though Harkins urged his readers to support the businesses that did

advertise.[19] At one point, Harkins hired his older brother Willis as business manager, a move that did not noticeably increase the amount of advertising. Circulation was apparently a problem too. The magazine ran house ads in every issue urging readers to subscribe, but an undated N.W. Ayer entry in Harkins' files listed circulation as only 810.[20] In 1928, Harkins even advertised premiums for readers who collected 25 subscribers at $2.50 a year. Prizes included a ladies' watch, silverware, a dinner ring, and a bicycle, all valued at $30 to $35.[21] If this helped, it was insufficient to ensure the long-term survival of the magazine. The last several issues of the magazine were double issues, and Harkins went into debt to keep the magazine afloat.[22] Founded in oil-rich Tulsa in the mid-1920s, *The American Indian* expired as the effects of the Depression took hold. The last issue was dated February-March 1931.

Harkins lived the rest of his life in Tulsa, continuing to work as a printer at the Tulsa *Tribune*, where he was active in the Typographical Union.[23] He never married. His interest in Native American topics continued throughout his life and his personal papers contain articles and correspondence on a variety of Indian topics. *The American Indian* brought him some modest fame. He was asked, for example, to submit copies of the magazine to "The All-Nations Press Exhibition" in the Soviet Union in 1932, which he did.[24] Perhaps his most significant legacy after *The American Indian* was his collection of manuscripts, pamphlets, and books about Native Americans, all of which are now housed at the Oklahoma Historical Society. Harkins died in 1957.

Defining the Modern Indian

Lee Harkins had definite ideas about the identity of the modern Indian. This "progressive" vision had four identifiable but related parts, all of which turned up in *The American Indian.* These were: (1) an idealistic view of the Indian past, (2) paternalism by mixed-blood Indians toward conservatives and traditional full-bloods, (3) social and political pan-Indianism, and (4) Indian mainstreaming into the activities of the dominant society. Each of these ideas represented ways of thinking about the native past and present which Harkins and like-minded Oklahoma Indians found useful in the articulation and promotion of a modern Indian identity.

The Idealized Past: Lee Harkins was interested in Indian history for personal as well as political reasons. As a native who claimed famous ancestors, Harkins preferred a "great man" approach to the past. He was especially attracted to Pushmataha, the man his great-great grandfather had served in the Old Choctaw Nation in Mississippi. Harkins published frequent articles on "Old Push" in *The American Indian*, including a piece in the first issue on the 1812 debate between Pushmataha and Tecumseh. The second issue carried a Pushmataha profile under this headline: "Pushmataha, One of the Greatest Leaders in the South."[25] After the demise of the magazine, Harkins wrote a three-part defense of Pushmataha for a Mississippi newspaper.[26] In addition, Harkins proudly displayed a portrait of the chief in his Tulsa home.[27]

Harkins published many historical articles in his magazine, most of them of a great man or idealistic variety. The signs of

Harkins' historical naiveté were evident from the beginning. The magazine was dedicated, Harkins wrote, "TO ALL INDIANS in North America in whose veins flows the blood of the 'Oldest Aristocracy' of the western hemisphere...." Further, Harkins referred to "those stoic and faithful leaders who have passed beyond the 'pale frontiers of life'...."[28] Such ideas reveal a man more interested in a glorious past than in a realistic one. In the second issue Harkins included a short article praising Jesse Chisholm, a mixed-blood Cherokee famous for marking the cattle trail through Oklahoma which bears his name. "This great untamed country was a delight to him," the story said. "He became to the Indians what Daniel Boone was to the Kentuckians."[29] Pushmataha, Chisholm, Sequoyah, Logan, Geronimo, Sitting Bull and many other famous natives were subjects of popular profiles in *The American Indian.*

Harkins filled *The American Indian* with articles by a number of part-time historians and Indian buffs. This work varied greatly in quality and tone, though most of it was protective of the Indian past. In August 1927, for example, Harkins began publication of a six-part series by Howard Jones, a physician from Circleville, Ohio. Jones recounted the history of native-white contacts since 1492 and compared European and Indian behaviors:

> I challenge the whole record of our contact with the North American Indians to produce an instance of cruelty and treachery equal in motive and execution to the Glen-Coe massacre of 1697 by the ferocious soldiers of King William. The cruelties imposed upon the French exiles in 1697 are equally revolting.[30]

By comparison, Jones wrote, the attempted deceit of the English by Pontiac was mild. Jones went on to describe the unjust treatment of the Indians in Ohio. Such a position is not surprising in Harkins' magazine, but Dr. Jones' idea of history—like Harkins'—was so simple and so protective of a particular kind of Indian past that it usually failed to get at the full truth of Indian-white relations. More importantly, perhaps, this historical view allowed Harkins and his readers to espouse a progressive view of Indian history, a view that elevated the achievements of the past to such a high position that the Indian present—especially the traditional culture of the full-bloods—was portrayed as a curious relic of a bygone era.

Paternalism: Harkins' idealized view of history influenced his editorial treatment of other native topics. This manifested itself most prominently as paternalism by assimilated natives toward their more traditional brothers and sisters. This attitude recognized the achievements of the past, but situated such achievements in a different time and place, unrelated to the conditions of modern life. Thus great men could be celebrated but their greatness was seen as an archaic Indian greatness. Today's Indians, by contrast, had to live and compete in a modern world—the white world—and be judged by modern standards. This, after all, was the lesson of history, a point Harkins' made clear in the magazine's first issue: "Although the Indian's pathway in life has been a rugged and wearisome one, he is now entering a 'road of accomplishment' and doing his part for his state."[31]

The embrace of modern ways in *The American Indian* was more than a matter of Harkins' personal style. Indeed, the views he

and other assimilated Indians espoused represented an ideology that they believed was a necessary step in the survival of Indian people. This was illustrated in the first issue in an article by Henry E. Roberts, son of a Pawnee chief then working for an oil company in Texas. The old Pawnees and their ways had served the tribe well, Roberts wrote. But soon the old ones "will be dead and gone, and with them will also go their old old-time traditions and pastimes." Modernity offered a new way of life, Roberts said, revitalizing a tribe that once seemed to be dying off:

> The fact that the Pawnees are now increasing is no doubt due primarily to the education of the younger generations and to the acquisition of modern experience on the part of the tribe as a whole, having learned to live a better and more sanitary life.[32]

In this and many other cases in *The American Indian*, Indian writers sketched out a vision of the future which gave little weight to traditional Indian ways.

In fact, traditional culture was a liability for native people facing the problems of modern life. Full-blooded, traditional Indians needed protection from whites. They also needed the advantages of civilized life, as a piece from the February 1929 issue of *The American Indian* made clear. The article, written by a reporter named John Sloan, described a successful assimilation plan in the Northwest. "There," Sloan wrote, "the Indian has been protected from his own inexperience, his childlike credulity, and his own lack of business ability; in short, from himself."[33] Tribal identity and other old ways had gradually disappeared, Sloan noted, and all the Indians

had become self-supporting. "The result of this system has been that the Indians' land became very valuable, ranging from $150 to $200 an acre." Business ability, land values and experience in the white world—these were the hallmarks of the progressive Indian.

Pan-Indianism: The use of Osage Chief Bacon Rind on *The American Indian's* first cover illustrated Harkins' pan-Indian outlook, the idea that tribal distinctions mattered less than the native relationship with whites. Harkins assumed a universal Indian, dedicating his magazine "TO ALL INDIANS in North America" as if all the natives on the continent shared similar cultures and identities. This position overlooked a wide variety of tribal differences and created a cohesive racial identity which did not exist. In *The American Indian* intertribal disputes and historical divisions were largely absent. By taking this position, Harkins used the magazine to smooth over factionalism and work for Indian unity. Harkins' first editorial column followed this reasoning.

> This magazine is non-political, non-sectarian and non-partisan. We endorse any move that will be beneficial to the advancement of the Oklahoma Indian. This magazine desires to become the 'voice' of all Indians in expressing their ideas for the intellectual advancement of Oklahoma society.[34]

In short, Harkins believed that the magazine could contribute to Indian advancement in Oklahoma by remaining out of intertribal disputes and promoting native causes generally. In taking this position, Harkins was staking out a neutral ground where he could promote Indian causes and avoid partisan conflict. This position was also an expression of faith in his own abilities as a journalist, an

ability to bridge the gap both among Indians themselves and between Indians and whites.

The second issue of the magazine provided a small example of how hard it would be for the magazine to remain racially neutral. In a short editorial called "A Bit of Misunderstanding," Harkins noted that some white readers "entertain the idea this magazine is published solely for Indians." Harkins assured his readers that the magazine was an Indian publication but that "it is endeavoring to become a historical magazine, and wishes to publish news that will be enlightening to both the Indian and our 'white brother.'" Harkins concluded the editorial by criticizing a "Kansas college professor who thought the Indian wasn't entitled to cast a vote."[35]

Harkins' demonstrated his pan-Indian spirit by emphasizing the value of community groups and extra-tribal organizations. In the third issue of the magazine, for example, included a tribute to Mrs. C. L. Goodale, president of the Tulsa Federation of Women's Clubs. The unidentified writer, probably Harkins, quoted from Mrs. Goodale's own report of club activities, including the support of the Indian art exhibit at Bartlesville, Oklahoma. He concluded by praising the community service of women's clubs. "Too many have believed that women's clubs were primarily for the purpose of drinking tea and discussing Shakespeare or Chopin," the writer said. "[B]ut Mrs. Goodale has shown that clubwomen can also serve any community by a wide range of constructive service."[36]

Harkins' pan-Indianism was also evident in his connection with the Society of Oklahoma Indians, an intertribal group formed to represent Indian interests in the state. Harkins described the group

in pan-Indian terms; it was, he wrote in May 1927, "a wonderful organization for the advancement of the Indian race and the preservation of his racial pride."[37] In an editorial in the same issue, Harkins advocated the society's pan-Indian mission: "[I]t is time for the Society of Oklahoma Indians to band together to help each other as 'Indians' and not as tribal members."[38]

In June 1927, Harkins published a full-page report on the society's convention in nearby Pawhuska. Among the resolutions passed at the meeting was one making *The American Indian* the official publication of the society. In language that must have made Harkins proud, the resolution noted that the purpose of the magazine was "to aid and assist Indians in higher education, and also in all matters pertaining to their advancement and progress."[39] By aligning himself with this extra-tribal organization, Harkins demonstrated his continuing commitment to pan-Indianism.

Mainstreaming the Indian: For progressive Oklahoma Indians, traditional tribal ways did not offer a useful path to a better future. What did offer a better future were opportunities in the larger culture—including opportunities in business and in pan-Indian organizations which promoted business values. Thus *The American Indian* endorsed the activities of the Apela Indian Club, a group of Tulsa businessmen described by Harkins as "the only aboriginal [business] organization in the country." Harkins was a proud member of the club and published a photograph its 25 members on the cover of *The American Indian* in March 1928. Harkins was prominently posed on the front row.

Like the Jaycees or other civic organizations, the Apela Indian Club was designed to promote Indian business and foster cooperation between Indian business leaders. To Harkins, the development of Indian business was part of the progressive destiny of Oklahoma Indians. "The Indian is an exponent of the business life in Tulsa," Harkins wrote. "It is estimated that 1,600 Indian families live in the 'Oil Capital.' He can be found following many pursuits of life."[40] Harkins' message to Indian men was clear: business was the path to prosperity and prominence. "Today, the Indian is an entrepreneur and maintains the same standard of living as the white man...."[41]

The power of the Indian vote was another aspect of Harkins' mainstreaming philosophy and *The American Indian* promoted Indian participation in local and state politics. Without tribal governments, a traditional source of native political influence, progressive Oklahoma Indians organized the Tushkahoma League, an organization designed "to insure the rights of the Indian through the ballot." According to *The American Indian*, the group was a non-partisan organization made up of the 28 recognized tribes in Oklahoma and run by an executive committee of 66 people, 33 Democrats and 33 Republicans. The league's first chairman was a Choctaw physician, E. N. Wright; Harkins was named assistant secretary of the organization. As reported in *The American Indian*, the vote was a path to Indian political self-reliance: "[T]he time has come when the Indian must cease importuning congress, the president, or the Indian bureau in Washington. He must use the God-given franchise of the vote to elect men to office who will serve the best interests of the state as well as the Indian."[42] To be modern,

according to such thinking, Indians were obliged both to vote and to participate in political organizations. The ballot box, not a return to tribalism, was the means to gain political power for Oklahoma Indians.

Conclusions

In their sweeping review of Native American periodicals, Littlefield and Parins cite *The American Indian* as "an excellent example of an Indian-produced magazine."[43] This assessment is largely true: the magazine was well edited and capably produced. Moreover, Harkins managed to publish 51 issues over a five-year period, no small feat given his limited financial resources and marginal advertising and reader support.

Nevertheless, Harkins had a variety of limitations as an editor. His most serious limitation, perhaps, was his idealistic view of Native American history. To Harkins and his contributors, Indian history involved the celebration of a heroic past populated with legendary personalities, especially inspirational Indian leaders who had achieved fame or success in the white-dominated world. This idealized version of the past overlooked Indian leaders who emphasized the value of native cultures or who were successful in adapting or avoiding some kinds of white influences. This history also smoothed over the serious social, cultural and political problems of Indian-white contacts, relegating such problems to the backward attitudes of a bygone era. *The American Indian* saw the problems of Oklahoma Indians—poverty, unemployment, alcoholism,

discrimination and so on—as problems associated with the old ways. By this reckoning, assimilation and progress made the past largely obsolete.

Harkins was, it seems fair to say, a true believer in the gospel of American progress. His faith in education, business and conventional politics was total and, in public at least, he was remarkably unreflexive about the problems associated with this life. Neither Harkins nor *The American Indian* acknowledged the fact that modern ways could undermine important aspects of traditional culture and leave many Indians without the cultural resources necessary to live in either world.

For Harkins and other progressive Indians in Oklahoma, assimilation was the natural and inevitable course for American Indians. They saw that the white-dominated world of business and industry had turned rural Indian Territory into thriving, entrepreneurial Oklahoma. So *The American Indian* portrayed the assimilated life in business as the best life for the modern Indian, and Harkins and the members of the Apela Indian Club tried to live that life. As for full-bloods and other conservatives, their problems were of their own making. To change their fortunes and join modern society, they had only to accept the ideas advocated in *The American Indian*: a public school education, including college work, membership in civic organizations and pan-Indian advocacy groups, a drive to succeed in business, and political activity including voting. This was, in a sentence, a definition of the modern Indian advocated by Lee Harkins in *The American Indian.*

Given different circumstances, Harkins might have developed a different vision of the modern Indian. Certainly notions of cultural pluralism and Indian self-determination were being discussed in some Native American circles in the 1920s. These ideas were a reaction against assimilation, which was seen as a destructive force, robbing traditional Indians of their language, religion and culture. Had Harkins been more aware of such ideas, had he read or traveled more widely, he might have incorporated a wider range of ideas into the editorial philosophy of *The American Indian.* Unfortunately for Harkins and the long-term reputation of *The American Indian*, the magazine is less interesting and significant than it would have been had it published more daring native voices, including those favoring Indian self-determination, cultural renewal, and retribalization.

But such ideas were unnatural if not impossible in Oklahoma in the 1920s. Oklahoma, after all, had a more assimilated tribal history than other states and no large reservations of the type found in New Mexico, Arizona, and other western states. In any case, Harkins showed no interest in such ideas or even any acknowledgment of their existence. His own experience and philosophy was compelling: the future belonged to those who assimilated in the white world of business and politics.

It's easy today to criticize Harkins as historically and politically naive. But his outlook is not surprising given his place and time. As a mixed-blood Oklahoma Indian with an assimilationist family background, Harkins had a very clear version of the future—and it was non-traditional and mostly non-Indian. In Oklahoma, at least, the future meant joining the dominant society and making that

society work for individual success. For better or worse, The *American Indian* embodied this vision of the modern Indian.

Endnotes

[1] *The American Indian*, October 1926, p. 5.

[2] Hazel W. Hertzberg, *The Search for an American Indian Identity.* (Syracuse, N.Y.: Syracuse University Press, 1971), pp. 4-9; and Robert W. Mardock, *The Reformers and the American Indian.* (Columbia: University of Missouri Press, 1971), pp. 218-21. Also see Frederick E. Hoxie, *A Final Promise: The Campaign to Assimilate the Indians, 1880-1920.* (Lincoln: University of Nebraska Press, 1984), p. 77-79.

[3] For a description of "an orgy of land speculation" at the time of statehood, see Daniel F. Littlefield, Jr., *Alex Posey: Creek Poet, Journalist, & Humorist.* (Lincoln: University of Nebraska Press, 1992), pp. 226-246.

[4] Rennard Strickland, *The Indians of Oklahoma.* (Norman: University of Oklahoma Press, 1980), p. 36.

[5] *Ibid.*, p. 37.

[6] Biographical information in this study was complied from Muriel H. Wright, "Lee F. Harkins, Choctaw," *Chronicles of Oklahoma* 37:3,1959, 285-87, and from personal papers in the Lee Harkins Collection at the Oklahoma Historical Society in Oklahoma City, hereinafter referred to as the OHS. These documents include an undated *Who's Who in the Western Hemisphere* entry as well as a number of newspaper and magazine articles by and about Harkins.

[7] *Who's Who* entry in the Harkins Collection at the OHS. Wright, *op. cit.*, says that Harkins graduated from high school in Tishomingo.

[8] Floyd A. O'Neil, "The Indian New Deal: An Overview," in Kenneth R. Philip (ed.), *Indian Self-Rule.* (Salt Lake City: Howe Brothers, 1986), p. 32.

[9] Daniel F. Littlefield and James W. Parins, eds., *American Indian and Alaska Native Periodicals, 1925-1970.* (Westport, Conn.: Greenwood, 1986), xii.

[10] "The Modern Indian," May 21, 1923, p. 3. Typescript in Box 2 of the Harkins Collection, OHS.

[11] *Ibid.*, p. 4.

[12] *The American Indian*, October 1926, p. 2.

[13] *Ibid.*, p. 4.

[14] Box 3, Harkins Collection, OHS.

[15] *Ibid.*

[16] *The American Indian*, January 1927, p. 13.

[17] *Ibid.*

[18] Box 3, Harkins Collection, OHS.

[19] *The American Indian*, October 1926, p. 4.

[20] The N.W. Ayer data is in Box 2, Harkins Collection, OHS.

[21] *The American Indian*, February 1828, p. 20.

[22] Wright, *op. cit.*, p. 285. Wright, a long-time friend and contributor to the magazine, wrote that "it took him several years to make up the deficit of the expense of its publication."

[23] There are numerous references to his union activities the Harkins Collection, OHS.

[24] Correspondence and articles about the show are in Box 2 and 3 in the Harkins Collection, OHS.

[25] *The American Indian*, November 1926, p. 11.

[26] See clippings from *The Neshoba Democrat*, Philadelphia, Mississippi, February 11, 1938, in Box 6, Harkins Collection, OHS.

[27] Wright, *op. cit.*, p. 285.

[28] *The American Indian*, October 1926, p. 1.

[29] *Ibid.*, November 1926, p. 3.

[30] *Ibid.*, August 1927, p. 8.

[31] *Ibid.*, October 1926, p. 3.

[32] *Ibid.*, p. 7.

[33] *Ibid.*, February 1929, p. 15.

[34] *Ibid.*, October 1926, p. 4.

[35] *Ibid.*, November 1926, p. 8.

[36] *Ibid.*, December 1926, p. 1.

[37] *Ibid.*, May 1927, p. 2.

[38] *Ibid.*, p. 4.

[39] *Ibid.*, June 1927, p. 2.

[40] *Ibid.*, November 1928, p. 4.

[41] *Ibid.*

[42] *Ibid.*, October 1927, p. 6.

[43] Littlefield and Parins, *op. cit.*, p. 14.

Mary Ann Weston

PAGANS OR PARAGONS?
IMAGERY AND IDEOLOGY IN THE PORTRAYALS OF NATIVE AMERICANS IN THE PRESTIGE PRESS

Abstract

A philosophical and political battle was being waged in the 1920s over the future of Native Americans--Indians. The official policy of the government, backed by Christian missionaries and others, was that Indians should be forced to assimilate into the Euro-American society and economy. Opposition came from those espousing the philosophy of cultural pluralism which held that native cultures were intrinsically valuable and should be preserved. These conflicting views came into sharp relief during a controversy over proposed government limitations on Indian ceremonial dances, which was widely reported in the press. Assimilationists regarded some of the dances as immoral and degrading. Cultural pluralists regarded them as valid and valuable religious expressions.

Examining articles about the controversy in the New York *Times* and in national magazines provides an opportunity to assess the images of Indians that were present in the press at this time, using Berkhofer's study of Indian imagery as a starting point. Analysis of the articles shows that, while there was little generalization of the traits of one tribe to all Indians, Native Americans were often described stereotypically in terms of what they either possessed or lacked from the viewpoint of whites.

PAGANS OR PARAGONS?
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In the 1920s a philosophical and political battle was being waged over the future of Native Americans--"Indians." Government policy, which had its origins in the previous century, called for Indians to be "civilized," that is, forced to assimilate into the Euro-American society and economy. The "success" of this policy would be measured in the degree to which Indians gave up their traditional ways and became indistinguishable from whites. The philosophy that underlay this forced assimilation was based on the ethnocentric idea that Indians were barbaric pagan savages who should be saved from their degraded state by being lifted to the higher level of civilization exemplified by protestant Christian values such as hard work and individual ownership of property, among other things.[1]

A group of increasingly noisy and influential defenders of the Indians challenged this assimilationist policy and the philosophy behind it. Prominent among them was John Collier, then executive secretary of the American Indian Defense Association. The reformers contended that cultural pluralism, not assimilation, should be the guiding philosophy of government policies toward

Native Americans. According to this view, there was intrinsic value in native cultures and they should be preserved because Indian development would be more successful if it built on their traditional ways, rather than seeking to destroy them. Collier and some of the other reformers also contended that some of the Indian cultures, particularly those of the Pueblos of New Mexico, contained elements, such as spirituality and cooperation, that were worthy of emulation by the larger society.[2]

The question, as historian Brian W. Dippie put it, was "whether the Indian should be programmed for a future within white civilization or whether white civilization should learn to coexist with him."[3]

These conflicting views were brought into sharp relief in the 1920s in the controversy over Indian dances. The controversy's roots dated to a series of reports made in 1913-1916 which denounced certain dances at Hopi and other Pueblos. The Hopi Snake dance was said to be accompanied by the "utter abandon of moral and legal restraints imposed by marital obligations" and by the "most depraved and immoral practices." The reports also were said to document "obscenities connected with the religious rites of the more backward pueblos and their barbaric cruelties when inflicting punishment."[4]

These reports, sent to Commissioner of Indian Affairs Charles H. Burke, apparently were accepted at face value and led him to issue a series of directives between 1921 and 1923 in which he called on Indians to limit dances voluntarily, hinting darkly that punitive measures would be taken if they did not comply. Specifically, the

directives seemed to be aimed at Pueblo ceremonies, at the Sun Dance of the Plains Indians, and at the use of peyote in the Native American Church. Burke's April 1921 Circular No.1665 ordered restrictions on the Sun Dance and also "dances involving 'self-torture, immoral relations between the sexes, the sacrificial destruction of clothing or other useful articles of protection, the reckless giving away of property, the use of injurious drugs or intoxicants'...and any dance that lasted for prolonged periods of time, thereby causing neglect of 'crops, livestock, and home interests.'"[5]

In February 1923 Burke issued a supplement to the earlier recommendations designed to limit Indian dances to only one a month, lasting no more than a day with none at all during planting and harvesting seasons. Only those over age 50 could attend. Impetus for the recommendations came from missionaries and other assimilationists who attacked the ceremonies as "obscene,:" "superstitious," "immoral," and "degrading."[6] This last directive brought a storm of protest from the Indians' defenders who condemned Burke for "subservience to the missionaries."[7] Defenders, who included Collier and some of the artists and writers who had gathered at Taos, New Mexico, in the 1920s, took their protests to the press. According to the *Literary Digest*, nearly all the newspapers that commented on the matter were "in favor of the Indian and against the Commissioner."[8]

In response to the protests Interior Secretary Hubert Work issued a statement intended to clarify which Indian dances the government did and did not disapprove of. "There are certain practices," the statement said, "which are against the law of nature

or moral laws, and all who wish to perpetuate the integrity of their race must refrain from them."[9]

Eventually both sides in the controversy used the constitutional guarantee of religious freedom to back their position. The All Pueblo Council, made up of representatives from many of the Rio Grande pueblos and backed by Collier and the American Indian Defense Association, urged easing of the dance restrictions and recognition of the religious value of the ceremonies. It also endorsed the practice of removing a few Pueblo boys from school for long periods to undergo religious instruction. This, it was.argued, was necessary to keep the tribes' religious traditions alive.[10] Collier wrote that limiting the dances amounted to unconstitutional infringement of Indians' religious rights:

> Religious persecution--ruthless, unapologetic, designed to assassinate a religion by force--has been reinstituted in America, and the immediate victim is the American Indian, our nation's child and ward.[11]

Opposing the reformers was a newly-formed group of Christianized Pueblo Indians, the Council of Progressive Christian Indians. They demanded government protection for their right to practice their Christian beliefs and to refuse to participate in "pagan" ceremonies.[12] They also endorsed the government's move to restrict traditional dances, declaring that they had been discriminated against because of their refusal to take part in the "secret and unchristian dances."[13] Both sides--assimilationist and cultural pluralist--tried to use the controversy to improve their public positions.

This paper deals with the way in which the conflicting notions of assimilation and cultural pluralism were reported in the prestige press of the 1920s, during the controversy over Indian ceremonial dances. It examines coverage in the New York *Times*, then as now considered the national newspaper of record, as well as in several mainstream magazines which had national audiences.

The questions this paper will examine center on the stereotypes, imagery and portrayals of Native Americans found in the coverage. It is part of a larger study of the images of Indians in the news media. In the present case, this study will seek answers to these questions: What images of Indians were conveyed in the stories surrounding the Indian dances controversy? Did the imagery conform to the Good Indian-Bad Indian polarity that has been seen in literature and popular culture? What, if any, differences in images were there between stories describing the assimilationist viewpoint and those emphasizing cultural pluralism?

Such an examination is important for several reasons. First, it may be assumed that readers saw the press, particularly the prestige publications examined here, as purveyors of factual, accurate information and sound, reasoned opinion. Thus, it may also be assumed that the portrayals presented by publications such as these would be influential to the public as it formed opinions and images of Indians and of public policy toward them.

This paper will look at the coverage from the point of view of the audience--the readers whose views of Indians and Indian policy would have been affected by what they read in the press. The research is an effort to contribute to what we know about the

portrayal of minorities and how the press may or may not have contributed to the stereotypes that have been built up over the years.

Journalism has a unique position in the construction and repetition of images. Though it is not considered literature and is not supposed to employ imagination and fantasy as literature does, some of its writers were also literary figures. (For example, English novelist D.H. Lawrence, who lived for a time in Taos, wrote several articles on the Pueblo Indians for the New York *Times* and other publications.)[14] And, clearly, some newspaper features and magazine articles employ literary devices. The presumed requirements of factuality, however, set journalistic accounts apart from fiction. Also, though journalism is charged with *reporting on* politics and public policy, it is not, generally, regarded as the *originator* of this policy. The journalistic injunction to report on events fairly and accurately puts the press in a position of having to recreate a reality, rather than invent it.

IMAGES OF INDIANS: In his study of the idea of "the Indian" and of Indian imagery since the time of European contact, historian Robert F. Berkhofer, Jr. observed that from the very first contact with people of the Western Hemisphere, Europeans noticed that the people of the "New World" were diverse and of different groups. Nevertheless, for a variety of reasons, they were lumped under the general term, "Indian," and that view has persisted to the present.[15] Berkhofer goes on to list several enduring images and themes used throughout history by whites in interpreting Indians:

1) Generalizing from one tribe or cultural trait to all Indians.[16]

2) "Describing by deficiency," that is, describing Indian life in terms of what it lacked when compared with white society. "Tribal Americans were usually described not as they were in their own eyes but from the viewpoint of outsiders, who often failed to understand their ideas or customs."[17]

3) Mixing moral evaluation with description, that is, rendering judgments on aspects of Indian life while describing them.[18]

According to Berkhofer, this viewing of the Indian in terms of deficiencies or differences from whites led to two "fundamental but contradictory conceptions of Indian culture" depending on whites' views of their own society: the Good Indian and the Bad Indian. The Good Indian or "Noble Savage" embodied a Boy Scout-like list of laudatory attributes such as handsomeness, dignity, love for family and children, independence, innocence and "wholesome enjoyment of nature's gifts." The Bad Indian, on the other hand, displayed an opposite list of traits: lechery, brutality, cruelty, indolence, deceitfulness and so on.[19]

This and other studies of imagery have drawn their descriptions from many aspects of literature and popular culture, but have not focused exclusively on the press. That is the intent of the present study.

FINDINGS: D.H. Lawrence, writing in the *New York Times Magazine*, neatly summarized Americans' contradictory attitudes toward Indians:

> It is almost impossible for the white people to approach the Indian without either sentimentality or dislike....Why? Both the reactions are due to the same feeling in the white

> man. The Indian is not in line with us. He is not coming our way. His whole being is going a different way from ours. And the minute you set eyes on him you know it.
>
> And then, there's only two things you can do. You can detest the insidious devil for having an utterly different way from our own great way. Or you can perform the mental trick and fool yourself and others into believing that the befeathered and bedaubed darling is nearer to the true ideal gods than we are.[20]

The feelings Lawrence described so vividly informed and inspired the opposing assimilationist and cultural pluralism notions of how Indians should be treated. And, they were at the root of the disparate images that appeared in literature, popular culture and the press.

A frequent image in articles describing the assimilationist point of view portrayed Indians as childlike and vulnerable to being victimized by the complexities of the modern world. This was amply illustrated by an article in the *Saturday Evening Post* under the byline of Interior Secretary Hubert Work, which variously stated, "The Indian is instinctively trusting and confiding." And, "His childlike faith is racial, but his confidence has been constantly abused."[21] The article, a lengthy exposition of assimilationist philosophy, often employed the devices described by Berkhofer of mingling description with judgment and describing Indians in terms of their deficiencies. For example, sub-headings included, "Prey for the Unscrupulous," "Crippled by Ignorance" and "Fat Pickings for Lawyers."[22]

Only if Indians were taught the white man's way would they be able to survive and succeed, the article indicated.

> The Indian office...for many years has been directing its

> efforts toward the absorption of this primitive, nomadic people without industrial, social or political entity into the complex organization of society which exists today.[23]

This exemplifies the assimilationist view that the solution to the Indian "problem" was to make them "civilized" like whites, ignoring the positive aspects of Indian cultures. It also represents an inaccurate generalizing of the traits of some Indian groups to all. Not all Indians, for example, were nomads.

The assimilationist view of Indians as uncivilized unless they became like whites also was stated clearly in a long New York *Times* article which quoted a Bureau of Indian Affairs official that "Thousands of these people are still in a state of quasi barbarism, although strongly influenced by contact with whites, and thousands are as civilized as their white neighbors."[24]

Living on reservations, the same article said, "has resulted in no small measure in keeping many of the Indians in the state of existence fostered by their forefathers. Civilization has barely breathed on many of them."[25] The clear implication was that native cultures were by definition uncivilized and that the only road to improvement lay through emulation of white society. Rather than describing by deficiency, these statements baldly asserted the deficiency of Indian ways.

Indian religious and ceremonial practices, in the assimilationist view, were primitive, barbaric, pagan, and generally a force that held back Indian development and "civilization." As one *Times* article said, "Many an Indian living in a house with all improvements that progress has discovered and devised,

nevertheless will revert to ancient and often demoralizing forms of worship."[26]

In the *Saturday Evening Post* article cited earlier, the Secretary of the Interior all but endorsed making Indians into Christians:

> The Government is not attempting to supplant Indian religion with other forms of worship, but approves of efforts to modify its ordinances into harmony with the forms of the Christian religion which civilization has approved, from which our rules of life are drafted and upon which our Government is founded.[27]

Indian dances, in particular, were criticized by assimilationists as being unchristian, as taking Indians away from their farming duties, and as vaguely immoral and unnatural, all descriptions, obviously, in terms of perceived deficiencies of Indian culture *vis a vis* white culture. While protesting that the Indian Bureau was not trying to prohibit Indian dances, Work wrote in the *Saturday Evening Post* that the government

> hopes through rising intelligence and a fuller education that the Indian may be reasoned away from practices attached to some of [the dances]...which tend to destroy the higher instincts that should be safeguarded in any people.[28]

In only slightly more direct language, the article referred disapprovingly to "tribal dances which are sexually suggestive and unworthy."[29]

Articles describing the cultural pluralist notion also often depicted Indians as childlike and innocent. But the pluralists used this imagery to draw the opposite conclusion from the

assimilationists: That is, the cultural pluralists concluded that these children of nature should be allowed to keep their ways and traditions.

Articles advocating cultural pluralism often relied heavily on Good Indian imagery, bestowing upon Indians--particularly Pueblos--laudable qualities that, the articles said or implied, were lacking in whites. For example, John Collier, writing in *Sunset Magazine*, argued forcefully that restricting Pueblo dances amounted to religious persecution that would destroy an exemplary way of life.

> [T]he following traits are known by all observers to be the outstanding characters of Pueblo life: Kindness to children, to women and to the old; mutual aid in all things; public service to the community rendered without pay; faithfulness to family life; truth-telling and honest dealing; tolerance and freedom from hate; freedom from fear and worry; and complete absence of sexual indecency.[30]

The article went on to say that

> White persons can hardly understand the completeness with which Pueblo morals, Pueblo human relations, loyalties and the very mode of existence of the Pueblos...are entwined with the religion and dependent on it.[31]

Writing in *The New Republic*, Elizabeth Shepley Sergeant described Pueblo ceremonies in lyrical terms and argued that whites who observe them gain "more than an ethnological or artistic interest; their great gift is a breath, a transfusion of the radiant freshness of man's first deep religious experience."[32] The image is one of Pueblos as somehow more basic and elemental in their spirituality than whites.

Articles dealing with Indians' dances often made the point that the dances were valid expressions of Indians' religious feelings. Indians, the reasoning went, had an equal right to religious freedom with other Americans. One quoted an expert on Indians of the Southwest that

> "The Pueblo instruction of boys who are to become the spiritual leaders of their people is more complicated than any degree of Masonry and just as high-minded. It is as careful and as noble as any training for the Christian priesthoods....An attempt is being made to deprive the Pueblo Indians of their constitutional rights of freedom of religious worship."[33]

The image conveyed here is of Indians as mature religious beings whose beliefs, though different from mainstream white Protestantism, were nevertheless legitimate and worthy of equal protection. Another example of this was a New York *Times* article that described in restrained and fairly unsentimental language the place of ceremonial dances in the lives of Pueblo Indians:

> Although the Pueblos were converted to Catholicism by the Spanish padres, the inherited religion of the Indian is a pantheistic one, both complicated and beautiful, in which every force of nature is sentient and the succession of seasons, from seed planting to harvest, is observed and helped along with appropriate ceremonies...Therefore the forces which controlled his life were beseeched in elaborate rituals....The important events of the Indians' existence were dramatized in highly symbolic ceremonies which are an expression of all their great natural gifts of music, poetry, drama and decoration.[34]

Though the article, which contains detailed descriptions of several Pueblo ceremonies, does not freely mix moralizing messages with its descriptions, the explicit as well as implicit effect is to

render the Pueblos as Good Indians who have "great natural gifts of music, poetry, drama and decoration" and whose only character flaws are those introduced by whites. The article concludes with a brief reference to puberty rites where

> the young are instructed in the mysteries of creation. But if any element less than reverence enters into what takes place there it is likely enough a taint brought in from the outside and not one conceived by the mind of the Indian.[35]

While the Pueblos were being rendered as artistic and reverent, another tribe was portrayed far less generously in the same issue of the newspaper. A story about the Paiute Indians[36] of the Four Corners area of Colorado, Utah, Arizona and New Mexico described their struggles against encroachment by white cattlemen. These Indians were depicted as not only uncivilized but resisting civilization to the end:

> They are not picturesque, these poor cousins of the Utes. They are poverty stricken, dirty, diseased, sometimes drunken....But they are persistent, they are unwavering in their decision to stay on the land they feel they own.[37]

While clearly drawing distinctions among tribes, the article employs imagery of the "degraded" Indian who, "neither noble nor wildly savage" was described by Berkhofer as being portrayed as exhibiting "the worse qualities of Indian character with none of its redeeming features."[38]

While articles depicting Pueblo and Navajo dances were generally sympathetic and sensitive to the religious nature of the ceremonies, articles about the dances of other tribes often evoked

images of paganism and barbarism, clearly describing the rites unfavorably through white eyes. For example, an article about the revival of the Sun Dance among members of the Shoshone and Bannock tribes called it, incorrectly, "a three-day marathon about a weird totem pole" and a "barbaric rite."[39] (The dance had been banned under Commissioner Burke's earlier recommendations because it involved self-mutilation.)

Similarly, a story on the Yaqui Indians Pasqua ceremony called forth abundant imagery of Indians as savages whose ceremonies were curious tourist attractions. The story described a "picturesque mingling of pagan and Christian rites" in which "weird-looking Yaqui tribesmen" danced to "mystic chanting and the rhythmic beat of rattles and tomtoms" and "the strains of semi-barbaric music."[40]

None of these articles, which were short news accounts, went into the elaborate description of the ceremonies or explanation of their place in tribal life that was seen in articles on Pueblo and Navajo dances.

In articles both from the assimilationist and the cultural pluralist viewpoints, when Native Americans were used as sources, they often were portrayed in stereotypical, cartoon-like fashion. If they spoke at all, it was often in broken English. A Paiute Indian named Mancos Jim, who was described as "a shrewd old fellow, cautious and peaceable" was quoted as talking in stereotypical dialect: "'We no want t'raise row....We not last long an' while we do las' all we want is chance to hunt little, fish little, rest a lot...'"[41]

Another article quoted Chee-dodge, the Navajo leader, on the subject of restricting his tribe's sings and dances. His direct quotes

were well reasoned, grammatically correct, and used sophisticated vocabulary. However, he was described in the article as an exceptional Indian: "...an able man, revered by the tribe...he has gained through his business experience the ability to go straight to the point of a matter and speak his mind clearly. He uses the best of English."[42] Other Navajos quoted in the story used simple words and short sentences, though they were not rendered in dialect. Nevertheless, the article clearly evoked the image of Navajos as childlike and innocent, confused by the government's intrusion on their religious practices:

> There is mourning on the Navajo Reservation....[T]here is worry and childlike confusion and a vague fear. Navajo nomads gather around campfires in the lonely canyons... and they talk about it in their strange tongue, shaking their heads in solemn amaze. What sort of a Great White Father is it that will put the taboo on a fellow's religion?[43]

Here the imagery of Indians as innocent children of nature who should be left alone to follow their traditional ways was used in an article written from the cultural pluralist point of view which argued for religious liberty for the Navajos.

More often, however, Indians were described, not quoted, and described as exotic relics of the past. For example, when a delegation of Pueblo Indians came to New York, under John Collier's auspices, to raise public interest and funds for their fight against a bill that would have reduced their land holdings, the *Times* story described their "sacred ceremonial of songs and dances" as a "weird and colorful program." It also mentioned speeches "made by two young Pueblos, who, arrayed in their gaudy robes and feathers,

gained the sympathy of the large assembly with their simple but impassioned talk."[44]

The content of the Indians' talks, or, for that matter, of the bill they opposed, was not mentioned. The image the reader was likely to get from articles such as this was of Pueblos as colorful, exotic people who were somehow being wronged by the government. But readers would know more about their unusual dress and dance than about the issue that brought them to New York.

The editorial stance of the New York *Times* at this juncture seemed to be, "The only good Indian is a Pueblo Indian." Editorials seemed to endorse the idea of cultural pluralism and religious freedom for the Pueblos, but took a more assimilationist stance when referring to other tribes. In fact, at one point when editorially urging the collection of Indian ethnographic material before the cultures died out, it called Pueblo culture "more advanced than that of other native tribes."[45]

The paper editorialized in favor of Indian religious freedom for Pueblo dances, adopting the same Good Indian imagery used in several articles in the paper. For example, in refuting the contention that Indian dances were obscene or indecent, the *Times* editorialized, "It is only fair to the Indians to say that they are peculiarly free from those forms of depravity to which the white men so justly object."[46]

The same editorial called for religious freedom for Indians as for other Americans:

> The religious dances play an even more important part in the religious and social life of the Indians than

> does the Church among most Christian peoples. To forbid the Indians to keep those dances which they cherish is to cause them spiritual humiliation. At the same time, by depriving them of the right to freedom of worship it violates a fundamental American principle.[47]

In this case it editorially came down on the side of cultural pluralism--for Pueblos, at least. This view was repeated in a later editorial, also opposing restrictions on Pueblo dances, which criticized the policy of the missionaries and government, calling it

> intolerance which in spiritual matters damns, ipso facto all that may be classed as pagan, and in social and civic affairs condemns anything that departs from our own standards. It has preferred to kill the Indians by "civilizing" them, rather than have them develop peacefully their own culture.[48]

Editorializing on another Indian issue that arose at the same time, the uprising of Paiute Indians in Utah against whites, the *Times* made only negative allusions to Paiute lifestyles, describing them as "a poor tribe of Indians, looked down upon by their Navajo neighbors as idlers, given to thievery, and scorned because they lived on a fare which the Navajos considered contemptible "[49] Neither in news articles nor in editorials about the Paiute situation was there the rich description or cultural sensitivity seen in articles about the Pueblos. The image employed to depict the Paiutes was that of "degraded" Indians who must inevitably yield to the onslaught of white civilization. In contrast to the notion of cultural pluralism used in articles and editorials about the Pueblos, the Paiutes seemed doomed to the assimilationist view of Indians as a "vanishing race."

CONCLUSIONS: During the 1920s controversy over Indian dances, the prestige press carried a wide variety of articles from varying viewpoints related to the notions of assimilation versus cultural pluralism. Most of the articles examined described specific tribes and, with a few exceptions, did not generalize traits of one group to all Indians. This was a departure from one of the principal images described by Berkhofer.[50]

In virtually all articles examined, however, Indian people themselves were treated in stereotypical ways. The images varied according to the type and viewpoint of the article, but few of them could be labelled accurate.

The portrayal seemed to be influenced greatly by the attractiveness to whites of the Indians' material culture and a tribe's accessibility to the majority culture. Pueblos, then popular with tourists as well as the artist expatriates of Taos, were portrayed as Good Indians who possessed artistic talents, spiritual gifts and community institutions enviable by whites. Navajos, enjoying similar popularity, also were portrayed sympathetically. Stories about other tribes, such as the Paiutes or the Plains Indians who revived the Sun Dance, had little or none of the rich description of the articles on the Pueblos or Navajos.

Whether they were trusting, easily-exploited children of the "Great White Father" who had to be civilized by erasing their heritage, as in the assimilationist view, or noble, spiritual and artistic children of nature, as the cultural pluralists held, Indians were always portrayed according to whites views of them--and of themselves.

[1] Kenneth R. Philp, *John Collier's Crusade for Indian Reform: 1920-1954* (Tucson: The University of Arizona Press, 1977), pp. ix-xi.

[2] Lawrence C. Kelly, "United States Indian Policies, 1900-1980," in William C. Sturtevant, general editor; Wilcomb E. Washburn, volume editor, *Handbook of North American Indians, Vol. 4: History of Indian-White Relations* (Washington: Smithsonian Institution, 1988), pp. 70-72.

[3] Brian W. Dippie, *The Vanishing American: White Attitudes and U.S. Indian Policy* (Middletown: Wesleyan University Press, 1982), p. 279.

[4] Quoted in Lawrence C. Kelly, *The Assault on Assimilation: John Collier and the Origins of Indian Policy Reform* (Albuquerque: University of New Mexico Press, 1983), p. 302.

[5] Kelly, pp. 303-304.

[6] Dippie, p. 280.

[7] Kelly, p. 308.

[8] "Taking the Indianism Out of the Indian," *Literary Digest*, April 28, 1923, p. 28.

[9] Quoted in the New York *Times*, Feb. 24, 1924, p. 7.

[10] Kelly, p. 310. See also John Collier, "Persecuting the Pueblos," *Sunset Magazine*, July, 1924, p. 50.

[11] John Collier, *ibid.*

[12] Kelly, pp. 311-312.

[13] New York *Times*, June 19, 1924, p. 10.

[14] See, for example, D.H. Lawrence, "Certain Americans and an Englishman," *New York Times Magazine*, Dec. 24, 1922, Sec. IV, p. 3, and "Indians and Entertainment," *New York Times Magazine*, Oct. 26, 1924, Sec. IV, p. 3.

[15] Robert F. Berkhofer, Jr., *The White Man's Indian* (New York: Vintage Books, 1978), pp. 23-25.

[16] Berkhofer, p. 26.

[17] Berkhofer, pp. 26-27.

[18] Berkhofer, p. 27.

[19] Berkhofer, p. 28.

[20] D.H. Lawrence, "Indians and Entertainment," *New York Times Magazine*, Oct. 26, 1924, Sec. IV, p. 3.

[21] Hubert Work, "Our American Indians," *Saturday Evening Post*, May 31, 1924, pp. 27, 92.

[22] Work, pp. 27, 92.

[23] Work, p. 92.

[24] New York *Times*, March 16, 1924, Sec. IX, p. 3.

[25] New York Times, March 16, 1924, Sec. IX, p. 3.

[26] New York *Times*, March 16, 1924, Sec. IX, p. 3.

[27] Work, p. 92.

[28] Work, p. 92.

[29] Work, p. 92.

[30] John Collier, "Persecuting the Pueblos," *Sunset Magazine*, July, 1924, p. 93.

[31] Collier, "Persecuting the Pueblos," p. 93.

[32] Elizabeth Shepley Sergeant, "Death to the Golden Age," *The New Republic*, Aug. 22, 1923, p. 355.

[33] New York *Times*, July 13, 1924, Sec. VIII, p. 12.

[34] Alida Sims Malkus, "Those Doomed Indian Dances," *New York Times Magazine*, April 8, 1923, Sec. 4, p. 1.

[35] Malkus, p. 2.

[36] In the newspaper stories the tribe's name was spelled "Piute." Here it has been rendered into its current preferred spelling.

[37] *New York Times*, April 8, 1923, Sec. 9, p. 2.

[38] Berkhofer, p. 30.

[39] New York *Times*, July 18, 1926, p. 9.

[40] New York *Times*, April 11, 1925, p. 28.

[41] New York *Times*, April 8, 1923, Sec. 9, p. 2

[42] Carl Moon, "Navajo's Plea for His Dances," *New York Times Magazine*, Nov. 18, 1923, Sec. III, pp. 7, 13.

[43] Moon, "Navajo's Plea for His Dances," p. 7.

[44] New York *Times*, Feb. 9, 1924, p. 14.

[45] New York *Times*, May 27, 1923, Sec. II, p. 4.

[46] New York *Times*, May 8, 1923, p. 16.

[47] New York *Times*, May 8, 1923, p. 16.

[48] New York *Times*, Aug. 19, 1923, Sec. II, p. 4.

[49] New York *Times*, April 26, 1923, p. 18.

[50] Berkhofer, p. 26.